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CHAPTER NO. 553

[HB 42]

AN ACT REQUIRING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO CALCULATE THE AMOUNT OF HABITAT AVAILABLE FOR ELK, DEER, AND ANTELOPE IN MONTANA; REQUIRING A DETERMINATION OF SUSTAINABLE POPULATIONS BASED ON THE HABITAT CALCULATION; REQUIRING THE DEPARTMENT TO MANAGE WITH THE OBJECTIVE THAT POPULATIONS OF ELK, DEER, AND ANTELOPE ARE AT OR BELOW THE POPULATION ESTIMATE; PROVIDING A FUNDING SOURCE; PROVIDING FOR ADJUSTMENTS BASED ON MANAGEMENT PROVISIONS IN THE MAXIMUM LICENSE NUMBERS THAT CAN BE ALLOCATED FOR RESIDENTS; AMENDING SECTIONS 87-1-201, 87-1-301, 87-2-104, 87-2-501, AND 87-2-513, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the universal mission of all wildlife management agencies includes an implied objective to manage wildlife within acceptable levels to ensure that wildlife does not become a nuisance or a hazard; and

WHEREAS, for over 70 years wildlife populations in Montana have continued to increase and the damage to private land as a result of this increased wildlife population has increased dramatically; and

WHEREAS, the Department of Fish, Wildlife, and Parks has historically included private land as part of the habitat equation in determining how much habitat is available for wildlife use in Montana; and

WHEREAS, the amount of habitat that is available for use by wildlife should be recalculated to accurately reflect the amount of habitat that is available without causing game damage to agricultural crops; and

WHEREAS, it is time for the Department of Fish, Wildlife, and Parks to use the tools that it has had available for many years, along with new tools to be implemented through this legislation, to manage Montana's wildlife populations in a sustainable manner.

Be it enacted by the Legislature of the State of Montana:

Section 1. Purpose. The purpose of [sections 1 through 5] is to require the commission, with advice of the department, to manage elk, deer, and antelope populations in a sustainable manner that keeps animal populations at a number that does not adversely affect Montana land.

Section 2. Calculation of available habitat. When determining the total acreage that serves as habitat for elk, deer, and antelope, the commission shall consider public land and private land for wildlife management or habitat enhancement purposes. This calculation must be reconsidered and provided to the public by October 1 of each odd-numbered year.

Section 3. Viable elk, deer, and antelope populations based on habitat acreage — reduction of populations as necessary. (1) Based on the habitat acreage that is determined pursuant to [section 2], the commission shall determine the appropriate elk, deer, and antelope numbers that can be viably sustained. The department shall consider the specific concerns of private landowners when determining sustainable numbers pursuant to this section.

(2) Once the sustainable population numbers are determined as provided in subsection (1), the department shall implement, through existing wildlife

management programs, necessary actions with the objective that the population of elk, deer, and antelope remains at or below the sustainable population. The programs may include but are not limited to:

- (a) liberalized harvests;
- (b) game damage hunts;
- (c) landowner permits; or
- (d) animal relocation.

(3) The department shall:

(a) manage with the objective that populations of elk, deer, and antelope are at or below the sustainable population number by January 1, 2009; and

(b) evaluate the elk, deer, and antelope populations on an annual basis and provide that information to the public.

Section 4. Sustainable elk, deer, and antelope populations program — funding. The department shall use money from the fish and game fund, as described in 87-1-601(3), to implement [sections 1 through 5].

Section 5. Rulemaking. (1) The department and the commission shall adjust existing wildlife management rules and plans to implement [sections 1 through 5].

(2) The department and the commission may adopt rules for determining sustainability. The commission shall consider average carrying capacity and use generally accepted animal unit factors for each species in each commission region.

(3) Any rules adopted by the department pursuant to subsection (2) must be adopted in a timely manner.

Section 6. Section 87-1-201, MCA, is amended to read:

“87-1-201. (Temporary) Powers and duties. (1) The department shall supervise all the wildlife, fish, game, game and nongame birds, waterfowl, and the game and fur-bearing animals of the state and may implement voluntary programs that encourage hunting access on private lands and that promote harmonious relations between landowners and the hunting public. It possesses all powers necessary to fulfill the duties prescribed by law and to bring actions in the proper courts of this state for the enforcement of the fish and game laws and the rules adopted by the department.

(2) The department shall enforce all the laws of the state respecting the protection, preservation, *management*, and propagation of fish, game, fur-bearing animals, and game and nongame birds within the state.

(3) The department has the exclusive power to spend for the protection, preservation, *management*, and propagation of fish, game, fur-bearing animals, and game and nongame birds all state funds collected or acquired for that purpose, whether arising from state appropriation, licenses, fines, gifts, or otherwise. Money collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, from fines or damages collected for violations of the fish and game laws, or from appropriations or received by the department from any other sources is appropriated to and under control of the department.

(4) The department may discharge any appointee or employee of the department for cause at any time.

(5) The department may dispose of all property owned by the state used for the protection, preservation, *management*, and propagation of fish, game, fur-bearing animals, and game and nongame birds that is of no further value or use to the state and shall turn over the proceeds from the sale to the state treasurer to be credited to the fish and game account in the state special revenue fund.

(6) The department may not issue permits to carry firearms within this state to anyone except regularly appointed officers or wardens.

(7) The department is authorized to make, promulgate, and enforce reasonable rules and regulations not inconsistent with the provisions of chapter 2 that in its judgment will accomplish the purpose of chapter 2.

(8) The department is authorized to promulgate rules relative to tagging, possession, or transportation of bear within or outside of the state.

(9) (a) The department shall implement programs that:

(i) manage wildlife, fish, game, and nongame animals in a manner that prevents the need for listing under 87-5-107 or under the federal Endangered Species Act, 16 U.S.C. 1531, et seq.; ~~and~~

(ii) manage listed species, sensitive species, or a species that is a potential candidate for listing under 87-5-107 or under the federal Endangered Species Act, 16 U.S.C. 1531, et seq., in a manner that assists in the maintenance or recovery of those species; *and*

(iii) *manage elk, deer, and antelope populations based on habitat estimates determined as provided in [section 2] and maintain elk, deer, and antelope population numbers at or below population estimates as provided in [section 3].*

(b) In maintaining or recovering a listed species, a sensitive species, or a species that is a potential candidate for listing, the department shall seek, to the fullest extent possible, to balance maintenance or recovery of those species with the social and economic impacts of species maintenance or recovery.

(c) This subsection (9) does not affect the ownership or possession, as authorized under law, of a privately held listed species, a sensitive species, or a species that is a potential candidate for listing. (Terminates March 1, 2006—sec. 6, Ch. 544, L. 1999.)

87-1-201. (Effective March 1, 2006) Powers and duties. (1) The department shall supervise all the wildlife, fish, game, game and nongame birds, waterfowl, and the game and fur-bearing animals of the state. It possesses all powers necessary to fulfill the duties prescribed by law and to bring actions in the proper courts of this state for the enforcement of the fish and game laws and the rules adopted by the department.

(2) The department shall enforce all the laws of the state respecting the protection, preservation, *management*, and propagation of fish, game, fur-bearing animals, and game and nongame birds within the state.

(3) The department has the exclusive power to spend for the protection, preservation, *management*, and propagation of fish, game, fur-bearing animals, and game and nongame birds all state funds collected or acquired for that purpose, whether arising from state appropriation, licenses, fines, gifts, or otherwise. Money collected or received from the sale of hunting and fishing licenses or permits, from the sale of seized game or hides, from fines or damages collected for violations of the fish and game laws, or from appropriations or

received by the department from any other sources is appropriated to and under control of the department.

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(ii) manage listed species, sensitive species, or a species that is a potential candidate for listing under 87-5-107 or under the federal Endangered Species Act, 16 U.S.C. 1531, et seq., in a manner that assists in the maintenance or recovery of those species; *and*

(iii) *manage elk, deer, and antelope populations based on habitat estimates determined as provided in [section 2] and maintain elk, deer, and antelope population numbers at or below population estimates as provided in [section 3].*

(b) In maintaining or recovering a listed species, a sensitive species, or a species that is a potential candidate for listing, the department shall seek, to the fullest extent possible, to balance maintenance or recovery of those species with the social and economic impacts of species maintenance or recovery.

(c) This subsection (9) does not affect the ownership or possession, as authorized under law, of a privately held listed species, a sensitive species, or a species that is a potential candidate for listing."

Section 7. Section 87-1-301, MCA, is amended to read:

"87-1-301. (Temporary) Powers of commission. (1) The commission:

(a) shall set the policies for the protection, preservation, *management*, and propagation of the wildlife, fish, game, furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment of all other responsibilities of the department as provided by law;

(b) shall establish the hunting, fishing, and trapping rules of the department;

(c) shall establish the rules of the department governing the use of lands owned or controlled by the department and waters under the jurisdiction of the department;

(d) must have the power within the department to establish wildlife refuges and bird and game preserves;

(e) shall approve all acquisitions or transfers by the department of interests in land or water;

(f) shall review and approve the budget of the department prior to its transmittal to the budget office; ~~and~~

(g) shall review and approve construction projects that have an estimated cost of more than \$1,000 but less than \$5,000; *and*

(h) shall manage elk, deer, and antelope populations based on habitat estimates determined as provided in [section 2] and maintain elk, deer, and antelope population numbers at or below population estimates as provided in [section 3].

(2) The commission may adopt rules regarding the use and type of archery equipment that may be employed for hunting and fishing purposes, taking into account applicable standards as technical innovations in archery equipment change.

(3) The commission may adopt rules regarding the establishment of special licenses or permits, seasons, conditions, programs, or other provisions that the commission considers appropriate to promote or enhance hunting by Montana's youth and persons with disabilities.

(4) (a) The commission may adopt rules regarding nonresident big game combination licenses to:

(i) separate deer licenses from nonresident elk combination licenses;

(ii) set the fees for the separated deer combination licenses and the elk combination licenses without the deer tag;

(iii) condition the use of the deer licenses; and

(iv) limit the number of licenses sold.

(b) The commission may exercise the rulemaking authority in subsection (4)(a) when it is necessary and appropriate to regulate the harvest by nonresident big game combination license holders:

(i) for the biologically sound management of big game populations of ~~deer and elk, deer, and antelope; and~~

(ii) to control the impacts of those ~~deer and~~ elk, deer, and antelope populations on uses of private property; *and*

(iii) *to ensure that elk, deer, and antelope populations are at a sustainable level as provided in [sections 1 through 5].*

(5) The commission may adopt rules establishing license preference systems to distribute hunting licenses and permits:

(a) giving an applicant who has been unsuccessful for a longer period of time priority over an applicant who has been unsuccessful for a shorter period of time; and

(b) giving a qualifying landowner a preference in drawings. As used in this subsection (5)(b), "qualifying landowner" means the owner of land that provides some significant habitat benefit for wildlife, as determined by the commission.

(6) (a) The commission may adopt rules to:

(i) limit the number of nonresident mountain lion hunters in designated hunting districts in the administrative region designated by the department as region 1; and

(ii) determine the conditions under which nonresidents may hunt mountain lion in designated hunting districts in the administrative region designated by the department as region 1, which may include limiting the number of nonresident hound handler permits.

(b) The commission shall consider, but is not limited to consideration of, the following factors:

(i) harvest of lions by resident and nonresident hunters;

(ii) history of quota overruns;

(iii) composition, including age and sex, of the lion harvest;

(iv) historical outfitter use;

(v) conflicts among hunter groups;

(vi) availability of public and private lands; and

(vii) whether restrictions on nonresident hunters are more appropriate than restrictions on all hunters. (Terminates April 30, 2004—sec. 3, Ch. 575, L. 2001.)

87-1-301. (Effective May 1, 2004) Powers of commission. (1) The commission:

(a) shall set the policies for the protection, preservation, *management*, and propagation of the wildlife, fish, game, furbearers, waterfowl, nongame species, and endangered species of the state and for the fulfillment of all other responsibilities of the department as provided by law;

(b) shall establish the hunting, fishing, and trapping rules of the department;

(c) shall establish the rules of the department governing the use of lands owned or controlled by the department and waters under the jurisdiction of the department;

(d) must have the power within the department to establish wildlife refuges and bird and game preserves;

(e) shall approve all acquisitions or transfers by the department of interests in land or water;

(f) shall review and approve the budget of the department prior to its transmittal to the budget office; ~~and~~

(g) shall review and approve construction projects whose estimated cost is more than \$1,000 but less than \$5,000; *and*

(h) *shall manage elk, deer, and antelope populations based on habitat estimates determined as provided in [section 2] and maintain elk, deer, and antelope population numbers at or below population estimates as provided in [section 3].*

(2) The commission may adopt rules regarding the use and type of archery equipment that may be employed for hunting and fishing purposes, taking into account applicable standards as technical innovations in archery equipment change.

(3) The commission may adopt rules regarding the establishment of special licenses or permits, seasons, conditions, programs, or other provisions that the

commission considers appropriate to promote or enhance hunting by Montana's youth and persons with disabilities.

(4) (a) The commission may adopt rules regarding nonresident big game combination licenses to:

- (i) separate deer licenses from nonresident elk combination licenses;
- (ii) set the fees for the separated deer combination licenses and the elk combination licenses without the deer tag;
- (iii) condition the use of the deer licenses; and
- (iv) limit the number of licenses sold.

(b) The commission may exercise the rulemaking authority in subsection (4)(a) when it is necessary and appropriate to regulate the harvest by nonresident big game combination license holders:

- (i) for the biologically sound management of big game populations of ~~deer and elk, deer, and antelope; and~~
- (ii) to control the impacts of those ~~deer and elk, deer, and antelope~~ populations on uses of private property; and
- (iii) to ensure that elk, deer, and antelope populations are at a sustainable level as provided in [sections 1 through 5].

(5) The commission may adopt rules establishing license preference systems to distribute hunting licenses and permits:

- (a) giving an applicant who has been unsuccessful for a longer period of time priority over an applicant who has been unsuccessful for a shorter period of time; and
- (b) giving a qualifying landowner a preference in drawings. As used in this subsection (5)(b), "qualifying landowner" means the owner of land that provides some significant habitat benefit for wildlife, as determined by the commission."

Section 8. Section 87-2-104, MCA, is amended to read:

"87-2-104. Number of licenses allowed—fees. (1) It is unlawful for any person to apply for, purchase, or possess more than one license of any one class or more than one special license for any one species listed in 87-2-701. This provision does not apply to Class B-4 licenses or to licenses issued under subsection (3) for game management purposes. However, when more than one license is authorized by the commission, it is unlawful to apply for, purchase, or possess more licenses than are authorized.

(2) The department may prescribe rules and regulations for the issuance or sale of a replacement license in the event the original license is lost, stolen, or destroyed upon payment of a fee not to exceed \$5.

(3) When authorized by the commission for game management purposes, the department may issue more than one Class A-3, Class A-4, *Class A-5, Class A-7, Class B-7, Class B-8, Class B-10, Class B-11*, or special antelope license to an applicant. An applicant for these game management licenses is not at the time of application required to hold any license or permit of that class.

(4) The fee for any resident or nonresident license of any class issued under subsection (3) must be set annually by the department and may not exceed the regular fee provided by law for that class or species."

Section 9. Section 87-2-501, MCA, is amended to read:

“87-2-501. Class A-3, A-4, A-5, A-6, A-7—resident deer, elk, and bear licenses — special Class A-7 resident and nonresident license requirements and preference. (1) Except as otherwise provided in this chapter, a resident, as defined by 87-2-102, or a nonresident who wishes to purchase a Class A-7 elk license only and who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued, upon payment of the proper fee or fees, is entitled to purchase one each of the following licenses at the prescribed cost that will entitle a holder who is 12 years of age or older to hunt the game animal or animals authorized by the license held and to possess the carcasses of those game animals as authorized by department rules:

- (a) Class A-3, deer A tag, \$13;
- (b) Class A-4, deer B tag, \$8;
- (c) Class A-5, elk tag, \$16;
- (d) Class A-6, black bear tag, \$15;
- (e) Class A-7, antlerless elk tag, \$16.

(2) (a) The holder of a Class A-7 antlerless elk license who is 12 years of age or older is entitled to hunt antlerless elk in areas designated by the commission and at the times and upon the terms set forth by the commission.

(b) *Subject to the management provisions provided in [sections 1 through 5],* a person may not take more than one elk during any license year, and a person holding a Class A-7 antlerless elk tag may not take an elk during the same license year with a Class A-5 license or nonresident elk tag. The use of Class A-7 antlerless elk licenses does not preclude the department's use of special elk permits.

(c) *Subject to the management provisions provided in [sections 1 through 5],* a nonresident shall hold a nonresident Class B-10 license as a prerequisite to application for a Class A-7 license.

(3) Subject to the limitation of subsection (5), a person who owns or is contracting to purchase 640 acres or more of contiguous land, at least some of which is used by elk, in a hunting district where Class A-7 licenses are awarded under this section must be issued, upon application, a Class A-7 license.

(4) An applicant who receives a Class A-7 license under subsection (3) may designate that the license be issued to an immediate family member or a person employed by the landowner. A corporation owning qualifying land under subsection (3) may designate one of its shareholders to receive the license.

(5) *Subject to the management provisions provided in [sections 1 through 5],* 15% ~~Fifteen percent~~ of the Class A-7 licenses available each year under this section in a hunting district must be available to landowners under subsection (3).”

Section 10. Section 87-2-513, MCA, is amended to read:

“87-2-513. (Temporary) Either-sex or antlerless elk permit for landowner who offers free public elk hunting — terms, conditions, and issuance of permit. (1) In addition to any elk permits offered for sale, the department may, for wildlife management purposes, issue an either-sex or antlerless elk permit at no cost to a landowner who provides free public elk hunting on the landowner's property and who otherwise meets the conditions of this section. The department may issue elk permits to the public, at regular cost

and in the number authorized in subsection (3), for hunting on the property of a landowner who opens property for public elk hunting for wildlife management purposes pursuant to this section.

(2) To be eligible for a permit pursuant to this section, a landowner:

(a) must own occupied elk habitat that is large enough, in the department's determination, to accommodate successful public hunting;

(b) may not have been issued a Class A-7 landowner license pursuant to 87-2-501(3) during the license year;

(c) must have entered into a contractual public elk hunting access agreement with the department that allows public access for free public elk hunting on the landowner's property throughout the regular hunting season and that includes public hunting by permitholders using permits that are valid for the hunting district;

(d) may not receive cash payments under 87-1-267; and

(e) may not charge a fee or authorize a person to charge a fee for hunting access on the landowner's property.

(3) *Subject to the management provisions provided in [sections 1 through 5], not more than 20% of permits issued pursuant to this section may be issued at no cost to a landowner, an immediate family member of a landowner, or an authorized full-time employee of a landowner. The remaining permits must be issued to the public on a first-come, first-serve basis.*

(4) A permit issued pursuant to this section:

(a) is nontransferable and may not be sold; and

(b) may only be used for hunting conducted on property that is opened to public access pursuant to this section.

(5) The department may prioritize distribution of the permits according to the areas the department determines are most in need of management.

(6) If the department determines that a landowner or landowner's designee has not abided by the restrictions and conditions of a permit issued pursuant to this section, that landowner or landowner's designee is not eligible to receive another permit pursuant to this section during any subsequent license year.

(7) The department, through the commission, may authorize the issuance of permits under this section to a landowner who enters into a contractual public elk hunting access agreement with the department that defines the areas that will be open to public elk hunting, the number of public elk hunting days that will be allowed on the property, and other factors that the department and the landowner consider necessary for the proper management of elk on the landowner's property. (Terminates March 1, 2006—sec. 4, Ch. 519, L. 2001.)"

Section 11. Codification instruction. [Sections 1 through 5] are intended to be codified as an integral part of Title 87, chapter 1, and the provisions of Title 87, chapter 1, apply to [sections 1 through 5].

Section 12. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa.

Section 13. Effective date. [This act] is effective on passage and approval.

Approved May 5, 2003

CHAPTER NO. 554

[HB 56]

AN ACT PROVIDING FOR INVOLUNTARY COMMITMENT TO THE MONTANA MENTAL HEALTH NURSING CARE CENTER; PROVIDING FOR DIRECT ADMISSION TO THE MONTANA MENTAL HEALTH NURSING CARE CENTER UNDER CERTAIN CONDITIONS; AND AMENDING SECTIONS 53-21-127, 53-21-128, AND 53-21-414, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 53-21-127, MCA, is amended to read:

"53-21-127. Posttrial disposition. (1) If, upon trial, it is determined that the respondent is not suffering from a mental disorder or does not require commitment within the meaning of this part, the respondent must be discharged and the petition dismissed.

(2) If it is determined that the respondent is suffering from a mental disorder and requires commitment within the meaning of this part, the court shall hold a posttrial disposition hearing. The disposition hearing must be held within 5 days (including Saturdays, Sundays, and holidays unless the fifth day falls on a Saturday, Sunday, or holiday), during which time the court may order further evaluation and treatment of the respondent.

(3) At the conclusion of the disposition hearing and pursuant to the provisions in subsection (7), the court shall:

(a) commit the respondent to the state hospital for a period of not more than 3 months; ~~or~~

(b) commit the respondent to a community facility or program or to any appropriate course of treatment, which may include housing or residential requirements, for a period of not more than 6 months; or

(c) *commit the respondent to the Montana mental health nursing care center for a period of not more than 3 months, if the following conditions are met:*

(i) the respondent meets the admission criteria of the center as described in 53-21-411 and established in administrative rules of the department; and

(ii) the superintendent of the center has issued a written authorization specifying a date and time for admission.

(4) Except as provided in subsection (3)(b), a treatment ordered pursuant to this section may not affect the respondent's custody or course of treatment for a period of more than 3 months.

(5) In determining which of the alternatives in subsection (3) to order, the court shall choose the least restrictive alternatives necessary to protect the respondent and the public and to permit effective treatment.

(6) The court may authorize the chief medical officer of a facility or a physician designated by the court to administer appropriate medication involuntarily if the court finds that involuntary medication is necessary to protect the respondent or the public or to facilitate effective treatment. Medication may not be involuntarily administered to a patient unless the chief medical officer of the facility or a physician designated by the court approves it prior to the beginning of the involuntary administration and unless, if possible, a medication review committee reviews it prior to the beginning of the involuntary administration or, if prior review is not possible, within 5 working

days after the beginning of the involuntary administration. The medication review committee must include at least one person who is not an employee of the facility or program. The patient and the patient's attorney or advocate, if the patient has one, must receive adequate written notice of the date, time, and place of the review and must be allowed to appear and give testimony and evidence. The involuntary administration of medication must be again reviewed by the committee 14 days and 90 days after the beginning of the involuntary administration if medication is still being involuntarily administered. The mental disabilities board of visitors and the director of the department of public health and human services must be fully informed of the matter within 5 working days after the beginning of the involuntary administration. The director shall report to the governor on an annual basis.

(7) Satisfaction of any one of the criteria listed in 53-21-126(1) justifies commitment pursuant to this chapter. However, if the court relies solely upon the criterion provided in 53-21-126(1)(d), the court may require commitment only to a community facility or program or an appropriate course of treatment as provided in subsection (3)(b), and may not require commitment at the state hospital or the Montana mental health nursing care center.

(8) In ordering commitment pursuant to this section, the court shall make the following findings of fact:

(a) a detailed statement of the facts upon which the court found the respondent to be suffering from a mental disorder and requiring commitment;

(b) the alternatives for treatment that were considered;

(c) the alternatives available for treatment of the respondent;

(d) the reason that any treatment alternatives were determined to be unsuitable for the respondent;

(e) the name of the facility, program, or individual to be responsible for the management and supervision of the respondent's treatment;

(f) if the order includes a requirement for inpatient treatment, the reason inpatient treatment was chosen from among other alternatives;

(g) if the order commits the respondent to the Montana mental health nursing care center, a finding that the respondent meets the admission criteria of the center and that the superintendent of the center has issued a written authorization specifying a date and time for admission; and

~~(g)~~(h) if the order includes involuntary medication, the reason involuntary medication was chosen from among other alternatives."

Section 2. Section 53-21-128, MCA, is amended to read:

"53-21-128. Petition for extension of commitment period. (1) (a) Not less than 2 calendar weeks prior to the end of the 3-month period of commitment to the state hospital or the Montana mental health nursing care center or the period of commitment to a community facility or program or a course of treatment provided for in 53-21-127, the professional person in charge of the patient at the place of commitment may petition the district court in the county where the patient is committed for extension of the commitment period unless otherwise ordered by the original committing court. The petition must be accompanied by a written report and evaluation of the patient's mental and physical condition. The report must describe any tests and evaluation devices that have been employed in evaluating the patient, the course of treatment that

was undertaken for the patient, and the future course of treatment anticipated by the professional person.

(b) Upon the filing of the petition, the court shall give written notice of the filing of the petition to the patient, the patient's next of kin, if reasonably available, the friend of respondent appointed by the court, and the patient's counsel. If any person notified requests a hearing prior to the termination of the previous commitment authority, the court shall immediately set a time and place for a hearing on a date not more than 10 days from the receipt of the request and notify the same people, including the professional person in charge of the patient. If a hearing is not requested, the court shall enter an order of commitment for a period not to exceed 6 months.

(c) Procedure on the petition for extension when a hearing has been requested must be the same in all respects as the procedure on the petition for the original 3-month commitment except the patient is not entitled to trial by jury. The hearing must be held in the district court having jurisdiction over the facility in which the patient is detained unless otherwise ordered by the court. Court costs and witness fees, if any, must be paid by the county that paid the same costs in the initial commitment proceedings.

(d) If upon the hearing the court finds the patient not to be suffering from a mental disorder and requiring commitment within the meaning of this part, the patient must be discharged and the petition dismissed. If the court finds that the patient continues to suffer from a mental disorder and to require commitment, the court shall order commitment as set forth in 53-21-127(3). However, an order may not affect the patient's custody for more than 6 months. In its order, the court shall describe what alternatives for treatment of the patient are available, what alternatives were investigated, and why the investigated alternatives were not found suitable. The court may not order continuation of an alternative that does not include a comprehensive, individualized plan of treatment for the patient. A court order for the continuation of an alternative must include a specific finding that a comprehensive, individualized plan of treatment exists.

(2) Prior to the end of the period of commitment to a community facility or program or course of treatment, a respondent may request that the treating provider petition the district court for an extension of the commitment order. The petition must be accompanied by a written report and evaluation of the respondent's mental and physical condition, an updated treatment plan, and a written statement by the respondent that an extension is desired. The extension procedure must follow the procedure required in subsections (1)(b) through (1)(d).

(3) Further extensions under subsection (1) or (2) may be obtained under the same procedure described in subsection (1). However, the patient's custody may not be affected for more than 1 year without a renewal of the commitment under the procedures set forth in subsection (1), including a statement of the findings required by subsection (1)."

Section 3. Section 53-21-414, MCA, is amended to read:

"53-21-414. Admissions to mental health nursing care center. (1) The Montana mental health nursing care center may admit patients on a voluntary basis according to admission criteria and procedures established in administrative rules *and by involuntary commitment pursuant to 53-21-127(3)(c).*

(2) A patient involuntarily committed to the Montana state hospital may be transferred by the department of public health and human services to the Montana mental health nursing care center if the patient meets the admission criteria of the center. The department shall notify the patient, the patient's next of kin, and the mental disabilities board of visitors at least 15 days before the transfer. If a person or entity notified by the department objects to the transfer, the person or entity may petition the district court for a hearing to review whether the transfer is necessary and appropriate to meet the needs of the patient. The notice required by this subsection must include notification of the right to petition the district court pursuant to this subsection. Section 53-21-128 applies to extensions of involuntary commitment of patients to the center.

(3) Except as provided in 53-21-413(2) and subsection (2) of this section, patients involuntarily transferred to the center have the rights provided in this chapter."

Approved May 5, 2003

CHAPTER NO. 555

[HB 90]

AN ACT AUTHORIZING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO PROVIDE VOLUNTARY PROTECTIVE SERVICES TO PARENTS OF CHILDREN ALLEGED TO HAVE BEEN ABUSED OR NEGLECTED; DEFINING THE TERM "PROTECTIVE SERVICES"; PROVIDING FOR DISMISSAL OF ABUSE AND NEGLECT PETITIONS UPON SUCCESSFUL REUNIFICATION OF A CHILD WITH THE CHILD'S PARENTS; AND AMENDING SECTIONS 41-3-102, 41-3-202, 41-3-301, 41-3-302, AND 41-3-423, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 41-3-102, MCA, is amended to read:

"41-3-102. Definitions. As used in this chapter, the following definitions apply:

(1) "Abandon", "abandoned", and "abandonment" mean:

(a) leaving a child under circumstances that make reasonable the belief that the parent does not intend to resume care of the child in the future;

(b) willfully surrendering physical custody for a period of 6 months and during that period not manifesting to the child and the person having physical custody of the child a firm intention to resume physical custody or to make permanent legal arrangements for the care of the child;

(c) that the parent is unknown and has been unknown for a period of 90 days and that reasonable efforts to identify and locate the parent have failed; or

(d) the voluntary surrender, as defined in 40-6-402, by a parent of a newborn who is no more than 30 days old to an emergency services provider, as defined in 40-6-402.

(2) "A person responsible for a child's welfare" means:

(a) the child's parent, guardian, foster parent or an adult who resides in the same home in which the child resides;

(b) a person providing care in a day-care facility;

(c) an employee of a public or private residential institution, facility, home, or agency; or

(d) any other person responsible for the child's welfare in a residential setting.

(3) "Abused or neglected" means the state or condition of a child who has suffered child abuse or neglect.

(4) (a) "Adequate health care" means any medical care or nonmedical remedial health care recognized by an insurer licensed to provide disability insurance under Title 33, including the prevention of the withholding of medically indicated treatment or medically indicated psychological care permitted or authorized under state law.

(b) This chapter may not be construed to require or justify a finding of child abuse or neglect for the sole reason that a parent or legal guardian, due to religious beliefs, does not provide adequate health care for a child. However, this chapter may not be construed to limit the administrative or judicial authority of the state to ensure that medical care is provided to the child when there is imminent substantial risk of serious harm to the child.

(5) "Best interests of the child" means the physical, mental, and psychological conditions and needs of the child and any other factor considered by the court to be relevant to the child.

(6) "Child" or "youth" means any person under 18 years of age.

(7) (a) "Child abuse or neglect" means:

(i) actual harm to a child's health or welfare;

(ii) substantial risk of harm to a child's health or welfare; or

(iii) abandonment.

(b) The term includes actual harm or substantial risk of harm by the acts or omissions of a person responsible for the child's welfare.

(c) The term does not include self-defense, defense of others, or action taken to prevent the child from self-harm that does not constitute harm to a child's health or welfare.

(8) "Concurrent planning" means to work toward reunification of the child with the family while at the same time developing and implementing an alternative permanent plan.

(9) "Department" means the department of public health and human services provided for in 2-15-2201.

(10) "Family group conference" means a meeting that involves family members in either developing treatment plans or making placement decisions, or both.

(11) "Harm to a child's health or welfare" means the harm that occurs whenever the parent or other person responsible for the child's welfare:

(a) inflicts or allows to be inflicted upon the child physical abuse, physical neglect, or psychological abuse or neglect;

(b) commits or allows to be committed sexual abuse or exploitation of the child;

(c) induces or attempts to induce a child into giving untrue testimony that the child or another child was abused or neglected by a parent or person responsible for the child's welfare;

(d) causes malnutrition or failure to thrive or otherwise fails to supply the child with adequate food or fails to supply clothing, shelter, education, or adequate health care, though financially able to do so or offered financial or other reasonable means to do so;

(e) exposes or allows the child to be exposed to an unreasonable risk to the child's health or welfare by failing to intervene or eliminate the risk; or

(f) abandons the child.

(12) "Limited emancipation" means a status conferred on a youth by a court in accordance with 41-3-438 under which the youth is entitled to exercise some but not all of the rights and responsibilities of a person who is 18 years of age or older.

(13) "Parent" means a biological or adoptive parent or stepparent.

(14) "Parent-child legal relationship" means the legal relationship that exists between a child and the child's birth or adoptive parents, as provided in Title 40, chapter 6, part 2, unless the relationship has been terminated by competent judicial decree as provided in 40-6-234, Title 42, or part 6 of this chapter.

(15) "Permanent placement" means reunification of the child with the child's parent, adoption, placement with a legal guardian, placement with a fit and willing relative, or placement in another planned permanent living arrangement until the child reaches 18 years of age.

(16) "Physical abuse" means an intentional act, an intentional omission, or gross negligence resulting in substantial skin bruising, internal bleeding, substantial injury to skin, subdural hematoma, burns, bone fractures, extreme pain, permanent or temporary disfigurement, impairment of any bodily organ or function, or death.

(17) "Physical neglect" means either failure to provide basic necessities, including but not limited to appropriate and adequate nutrition, protective shelter from the elements, and appropriate clothing related to weather conditions, or failure to provide cleanliness and general supervision, or both.

(18) (a) "Protective services" mean services provided by the department:

(i) to enable a child alleged to have been abused or neglected to remain safely in the home;

(ii) to enable a child alleged to have been abused or neglected who has been removed from the home to safely return to the home; or

(iii) to achieve permanency for a child adjudicated as a youth in need of care when circumstances and the best interests of the child prevent reunification with parents or a return to the home.

(b) The term includes emergency protective services provided pursuant to 41-3-301, voluntary protective services provided pursuant to 41-3-302, and court-ordered protective services provided pursuant to parts 4 and 6 of this chapter.

~~(18)~~(19) "Psychological abuse or neglect" means severe maltreatment through acts or omissions that are injurious to the child's emotional,

intellectual, or psychological capacity to function, including acts of violence against another person residing in the child's home.

~~(19)~~(20) "Reasonable cause to suspect" means cause that would lead a reasonable person to believe that child abuse or neglect may have occurred or is occurring, based on all the facts and circumstances known to the person.

~~(20)~~(21) "Residential setting" means an out-of-home placement where the child typically resides for longer than 30 days for the purpose of receiving food, shelter, security, guidance, and, if necessary, treatment.

~~(21)~~(22) (a) "Sexual abuse" means the commission of sexual assault, sexual intercourse without consent, indecent exposure, deviate sexual conduct, sexual abuse, ritual abuse, or incest, as described in Title 45, chapter 5.

(b) Sexual abuse does not include any necessary touching of an infant's or toddler's genital area while attending to the sanitary or health care needs of that infant or toddler by a parent or other person responsible for the child's welfare.

~~(22)~~(23) "Sexual exploitation" means allowing, permitting, or encouraging a child to engage in a prostitution offense, as described in 45-5-601 through 45-5-603, or allowing, permitting, or encouraging sexual abuse of children as described in 45-5-625.

~~(23)~~(24) "Social worker" means an employee of the department who, before the employee's field assignment, has been educated or trained in a program of social work or a related field that includes cognitive and family systems treatment or who has equivalent verified experience or verified training in the investigation of child abuse, neglect, and endangerment. This definition does not apply to any provision of this code that is not in this chapter.

~~(24)~~(25) "Treatment plan" means a written agreement between the department and the parent or guardian or a court order that includes action that must be taken to resolve the condition or conduct of the parent or guardian that resulted in the need for protective services for the child. The treatment plan may involve court services, the department, and other parties, if necessary, for protective services.

~~(25)~~(26) "Unfounded" means that after an investigation, the investigating person has determined that the reported abuse, neglect, or exploitation has not occurred.

~~(26)~~(27) (a) "Withholding of medically indicated treatment" means the failure to respond to an infant's life-threatening conditions by providing treatment, including appropriate nutrition, hydration, and medication, that, in the treating physician's or physicians' reasonable medical judgment, will be most likely to be effective in ameliorating or correcting the conditions.

(b) The term does not include the failure to provide treatment, other than appropriate nutrition, hydration, or medication, to an infant when, in the treating physician's or physicians' reasonable medical judgment:

- (i) the infant is chronically and irreversibly comatose;
- (ii) the provision of treatment would:
 - (A) merely prolong dying;
 - (B) not be effective in ameliorating or correcting all of the infant's life-threatening conditions; or
 - (C) otherwise be futile in terms of the survival of the infant; or

(iii) the provision of treatment would be virtually futile in terms of the survival of the infant and the treatment itself under the circumstances would be inhumane. For purposes of this subsection ~~(26)~~ (27), "infant" means an infant less than 1 year of age or an infant 1 year of age or older who has been continuously hospitalized since birth, who was born extremely prematurely, or who has a long-term disability. The reference to less than 1 year of age may not be construed to imply that treatment should be changed or discontinued when an infant reaches 1 year of age or to affect or limit any existing protections available under state laws regarding medical neglect of children 1 year of age or older.

~~(27)~~(28) "Youth in need of care" means a youth who has been adjudicated or determined, after a hearing, to be or to have been abused, neglected, or abandoned."

Section 2. Section 41-3-202, MCA, is amended to read:

"41-3-202. Action on reporting. (1) Upon receipt of a report that a child is or has been abused or neglected, the department shall promptly assess the information contained in the report and make a determination regarding the level of response required and the timeframe within which action must be initiated. If the department determines that an investigation is required, a social worker, the county attorney, or a peace officer shall promptly conduct a thorough investigation into the circumstances surrounding the allegations of abuse or neglect of the child. The investigation may include an investigation at the home of the child involved, the child's school or day-care facility, or any other place where the child is present and into all other nonfinancial matters that in the discretion of the investigator are relevant to the investigation. In conducting an investigation under this section, a social worker may not inquire into the financial status of the child's family or of any other person responsible for the child's care, except as necessary to ascertain eligibility for state or federal assistance programs or to comply with the provisions of 41-3-446.

(2) An initial investigation of alleged abuse or neglect may be conducted when an anonymous report is received. However, the investigation must within 48 hours develop independent, corroborative, and attributable information in order for the investigation to continue. Without the development of independent, corroborative, and attributable information, a child may not be removed from the home.

(3) The social worker is responsible for assessing the family and planning for the child. If the child is treated at a medical facility, the social worker, county attorney, or peace officer, consistent with reasonable medical practice, has the right of access to the child for interviews, photographs, and securing physical evidence and has the right of access to relevant hospital and medical records pertaining to the child. If a child interview is considered necessary, the social worker, county attorney, or peace officer may conduct an interview of the child. The interview may be conducted in the presence of the parent or guardian or an employee of the school or day-care facility attended by the child.

(4) Subject to 41-3-205(3), if the child's interview is audiotaped or videotaped, an unedited audiotape or videotape with audio track must be made available, upon request, for unencumbered review by the family.

(5) (a) If from the investigation the department has reasonable cause to suspect that the child suffered abuse or neglect, the department may provide *emergency* protective services to the child, pursuant to 41-3-301, or *voluntary*

protective services, pursuant to 41-3-302, and may provide protective services to any other child under the same care. The department shall:

(i) after interviewing the parent or guardian, if reasonably available, document its determination regarding abuse or neglect of a child; and

(ii) notify the child's family of its investigation and determination, unless the notification can reasonably be expected to result in harm to the child or other person.

(b) If from the investigation it is determined that the child has not suffered abuse or neglect and the initial report is determined to be unfounded, the department and the social worker, county attorney, or peace officer who conducted the investigation into the circumstances surrounding the allegations of abuse or neglect shall destroy all of their records concerning the report and the investigation. The destruction must be completed within 30 days of the determination that the child has not suffered abuse or neglect.

(6) The investigating social worker, within 60 days of commencing an investigation, shall also furnish a written report to the department and, upon request, to the family. Subject to subsection (5)(b), the department shall maintain a record system documenting investigations and determinations of child abuse and neglect cases.

(7) Any person reporting abuse or neglect that involves acts or omissions on the part of a public or private residential institution, home, facility, or agency is responsible for ensuring that the report is made to the department through its local office."

Section 3. Section 41-3-301, MCA, is amended to read:

"41-3-301. Emergency protective service. (1) Any child protective social worker of the department, a peace officer, or the county attorney who has reason to believe any youth is in immediate or apparent danger of harm may immediately remove the youth and place the youth in a protective facility. The department may make a request for further assistance from the law enforcement agency or take appropriate legal action. The person or agency placing the child shall notify the parents, parent, guardian, or other person having legal custody of the youth at the time the placement is made or as soon after placement as possible. Notification under this subsection must include the reason for removal, information regarding the show cause hearing, and the purpose of the show cause hearing.

(2) A child who has been removed from the child's home or any other place for the child's protection or care may not be placed in a jail.

(3) An abuse and neglect petition must be filed within 2 working days, excluding weekends and holidays, of emergency placement of a child unless ~~arrangements acceptable to the agency for the care of the child have been made by the parents.~~ *arrangements acceptable to the agency for the care of the child have been made by the parents or voluntary protective services are provided pursuant to 41-3-302.*

(4) A show cause hearing must be held within 10 days, excluding weekends and holidays, of the filing of the initial petition unless otherwise stipulated by the parties pursuant to 41-3-434.

~~(4)~~(5) The department shall make the necessary arrangements for the child's well-being as are required prior to the court hearing."

Section 4. Section 41-3-302, MCA, is amended to read:

“41-3-302. Responsibility of providing protective services — voluntary protective services agreement. (1) The department of public health and human services has the primary responsibility to provide the protective services authorized by this chapter and has the authority pursuant to this chapter to take temporary or permanent custody of a child when ordered to do so by the court, including the right to give consent to adoption.

(2) The department shall respond to emergency reports of known or suspected child abuse or neglect 24 hours a day, 7 days a week.

(3) (a) *The department may provide voluntary protective services by entering into a written voluntary protective services agreement with a parent or other person responsible for a child's welfare for the purpose of keeping the child safely in the home.*

(b) *The department shall inform a parent or other person responsible for a child's welfare who is considering entering into a voluntary protective services agreement that the parent or other person may have another person of the parent's or responsible person's choice present whenever the terms of the voluntary protective services agreement are under discussion by the parent or other person responsible for the child's welfare and the department. Reasonable accommodations must be made regarding the time and place of meetings at which a voluntary protective services agreement is discussed.*

(4) *A voluntary protective services agreement may include provisions for:*

(a) *a family group conference and implementation of safety plans developed during the conference;*

(b) *a professional evaluation and treatment of a parent or child, or both;*

(c) *a safety plan for the child;*

(d) *in-home services aimed at permitting the child to remain safely in the home;*

(e) *temporary relocation of a parent in order to permit the child to remain safely in the home;*

(f) *a 30-day temporary out-of-home protective placement; or*

(g) *any other terms or conditions agreed upon by the parties that would allow the child to remain safely in the home or allow the child to safely return to the home within the 30-day period, including referrals to other service providers.*

(5) *A voluntary protective services agreement is subject to termination by either party at any time. Termination of a voluntary protective services agreement does not preclude the department from filing a petition pursuant to 41-3-422 in any case in which the department determines that there is a risk of harm to a child.*

(6) *If a voluntary protective services agreement is terminated by a party to the agreement, a child who has been placed in a temporary out-of-home placement pursuant to the agreement must be returned to the parents within 2 working days of termination of the agreement unless an abuse and neglect petition is filed by the department.”*

Section 5. Section 41-3-423, MCA, is amended to read:

“41-3-423. Reasonable efforts required to prevent removal of child or to return — exemption — findings — permanency plan. (1) The department shall make reasonable efforts to prevent the necessity of removal of a child from the child's home and to reunify families that have been separated by

the state. Reasonable efforts include but are not limited to *voluntary protective services agreements*, development of individual written case plans specifying state efforts to reunify families, placement in the least disruptive setting possible, provision of services pursuant to a case plan, and periodic review of each case to ensure timely progress toward reunification or permanent placement. In determining preservation or reunification services to be provided and in making reasonable efforts at providing preservation or reunification services, the child's health and safety are of paramount concern. ~~The court shall review the services provided by the agency.~~

(2) Except in a proceeding subject to the federal Indian Child Welfare Act, the department may, at any time during an abuse and neglect proceeding, make a request for a determination that preservation or reunification services need not be provided. If an indigent parent is not already represented by counsel, counsel must be appointed by the court at the time that a request is made for a determination under this subsection. A court may make a finding that the department need not make reasonable efforts to provide preservation or reunification services if the court finds that the parent has:

(a) subjected a child to aggravated circumstances, including but not limited to abandonment, torture, chronic abuse, or sexual abuse or chronic, severe neglect of a child;

(b) committed, aided, abetted, attempted, conspired, or solicited deliberate or mitigated deliberate homicide of a child;

(c) committed aggravated assault against a child;

(d) committed neglect of a child that resulted in serious bodily injury or death; or

(e) had parental rights to the child's sibling or other child of the parent involuntarily terminated and the circumstances related to the termination of parental rights are relevant to the parent's ability to adequately care for the child at issue.

(3) Preservation or reunification services are not required for a putative father, as defined in 42-2-201, if the court makes a finding that the putative father has failed to do any of the following:

(a) contribute to the support of the child for an aggregate period of 1 year, although able to do so;

(b) establish a substantial relationship with the child. A substantial relationship is demonstrated by:

(i) visiting the child at least monthly when physically and financially able to do so; or

(ii) having regular contact with the child or with the person or agency having the care and custody of the child when physically and financially able to do so; and

(iii) manifesting an ability and willingness to assume legal and physical custody of the child if the child was not in the physical custody of the other parent.

(c) register with the putative father registry pursuant to Title 42, chapter 2, part 2, and the person has not been:

(i) adjudicated in Montana to be the father of the child for the purposes of child support; or

(ii) recorded on the child's birth certificate as the child's father.

(4) A judicial finding that preservation or reunification services are not necessary under this section must be supported by clear and convincing evidence.

(5) If the court finds that preservation or reunification services are not necessary pursuant to subsection (2) or (3), a permanency hearing must be held within 30 days of that determination and reasonable efforts must be made to place the child in a timely manner in accordance with the permanency plan and to complete whatever steps are necessary to finalize the permanent placement of the child.

(6) If reasonable efforts have been made to prevent removal of a child from the home or to return a child to the child's home but continuation of the efforts is determined by the court to be inconsistent with the permanency plan for the child, the department shall make reasonable efforts to place the child in a timely manner in accordance with the permanency plan and to complete whatever steps are necessary to finalize the permanent placement of the child. Reasonable efforts to place a child permanently for adoption or to make an alternative out-of-home permanent placement may be made concurrently with reasonable efforts to return a child to the child's home. Concurrent planning may be used.

(7) When determining whether the department has made reasonable efforts to prevent the necessity of removal of a child from the child's home or to reunify families that have been separated by the state, the court shall review the services provided by the agency including, if applicable, protective services provided pursuant to 41-3-302."

Section 6. Dismissal. Unless the petition has been previously dismissed, the court shall dismiss an abuse and neglect petition on the motion of a party, or on its own motion, in any case in which all of the following criteria are met:

(1) a child who has been placed in foster care is reunited with the child's parents and returned home;

(2) the child remains in the home for a minimum of six months with no additional confirmed reports of child abuse or neglect; and

(3) the department determines and informs the court that the issues that led to department intervention have been resolved and that no reason exists for further department intervention or monitoring.

Section 7. Codification instruction. [Section 6] is intended to be codified as an integral part of Title 41, chapter 3, part 4, and the provisions of Title 41, chapter 3, part 4, apply to [section 6].

Approved May 5, 2003

CHAPTER NO. 556

[HB 197]

AN ACT GENERALLY REVISING LAWS RELATING TO REVOCATIONS, SUSPENSIONS, AND RECORDKEEPING OF DRIVER'S LICENSES; REMOVING THE REQUIREMENT THAT THE DEPARTMENT OF JUSTICE ESTABLISH BY ADMINISTRATIVE RULE A DRIVER REHABILITATION AND IMPROVEMENT PROGRAM THAT INCLUDES A REQUIREMENT TO

CONTRACT WITH PRIVATE ENTITIES FOR THE OPERATION OF PROGRAM COURSES; CLARIFYING THE REQUIREMENTS FOR OBTAINING AND USING A DRIVING RECORD FROM ANOTHER JURISDICTION FOR A PERSON APPLYING FOR A MONTANA DRIVER'S LICENSE; REVISING REQUIREMENTS FOR THE SUSPENSION AND REVOCATION OF A DRIVER'S LICENSE FOR CONVICTIONS OF CERTAIN OFFENSES AND BREATH TESTING REFUSALS; REVISING AUTHORITY TO IMPOSE A DISCRETIONARY LICENSE SUSPENSION; REVISING THE REQUIREMENT FOR SUSPENDING A LICENSE FOR A CONVICTION OF DRIVING WHILE A LICENSE IS SUSPENDED OR REVOKED; REMOVING THE REQUIREMENT THAT THE DEPARTMENT SUSPEND THE DRIVER'S LICENSE OF A PERSON WHO FAILS TO COMPLY WITH CERTAIN DRIVER REHABILITATION AND IMPROVEMENT COURSE REQUIREMENTS; REMOVING THE DEFINITION OF "DRIVER IN NEED OF REHABILITATION AND IMPROVEMENT"; PROVIDING FOR A DISCOUNT ON LICENSE REINSTATEMENT FEES UPON COMPLETION OF A DRIVER REHABILITATION PROGRAM; AMENDING SECTIONS 61-2-302, 61-5-107, 61-5-205, 61-5-206, 61-5-208, 61-5-212, 61-7-103, 61-8-402, 61-8-409, 61-8-734, 61-11-203, 61-11-204, AND 61-13-104, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 61-2-302, MCA, is amended to read:

~~"61-2-302. Establishment of driver rehabilitation and improvement program — department to contract with private entities — participation by offending drivers.~~ (1) ~~(a)~~ The department ~~shall~~ may establish by administrative rules a driver rehabilitation and improvement program or programs. ~~that~~ The programs may consist of classroom instruction in rules of the road, driving techniques, defensive driving, driver attitudes and habits, actual on-the-road driver's training, and other subjects or tasks designed to contribute to proper driving attitudes, habits, and techniques *and must include the requirements for obtaining a restricted probationary driver's license.*

~~(b) The rules must:~~

- ~~(i) provide for the local program courses to be operated by private entities;~~
- ~~(ii) develop a procedure for certifying private entities as driver rehabilitation and improvement course providers;~~
- ~~(iii) establish the criteria that private entities must meet in order to be certified by the department; and~~
- ~~(iv) provide for an alternative driver rehabilitation and improvement procedure for drivers who live in areas where a course is not offered.~~

(2) ~~Official participation in the driver rehabilitation and improvement program is limited to those persons whose license to operate a motor vehicle in the state of Montana~~ Except when otherwise provided or restricted by statute, a person whose driver's license is suspended or revoked by the department may participate in any driver rehabilitation and improvement program established under this section if the person's license is:

(a) ~~(i) subject to suspension or revocation~~ suspended as a result of a violation of the traffic laws of this state, *unless the suspension was imposed under the authority provided in Title 61, chapter 8, part 8; or;*

(ii) unless otherwise provided by the sentencing court, ~~is~~ suspended under 45-5-624(2)(b); or

(b) revoked and ~~they have the person has:~~

(i) completed at least 3 months of a 1-year revocation ~~or, if revocation is for a second or subsequent violation of 61-8-401 or 61-8-406, have provided the department with proof of compliance with the ignition interlock device restriction imposed under 61-5-208;~~ or

(ii) completed 1 year of a 3-year revocation; and

(iii) met the requirements for reobtaining a Montana driver's license; ~~or~~

~~(c) subject to suspension as provided in 61-11-204(3).~~

(3) Notwithstanding any provision of this part inconsistent with any other law of the state of Montana, the enforcement of any suspension or revocation order that constitutes the basis for any person's participation in the driver rehabilitation and improvement program provided for in this section may be stayed if that person complies with the requirements established for the driver rehabilitation and improvement program and meets the eligibility requirements of subsection (2).

(4) ~~In the event that~~ If a person's driver's license has been surrendered before the person's selection for participation in the driver rehabilitation and improvement program, the license may be returned upon receipt of the person's agreement to participate in the program.

(5) The stay of enforcement of any suspension or revocation ~~order~~ action must be terminated and the ~~order of suspension or revocation enforced~~ action must be reinstated if a person declines to participate in the driver rehabilitation and improvement program or fails to meet the attendance or other requirements established for participation in the program.

(6) This part does not create a right to be included in any program established under this part.

~~(7) The department and the entity with which the department contracts under subsection (1)(b) shall establish separate fee schedules that may be charged to those persons participating in the driver improvement and rehabilitation program. The fees must be collected separately by the department and by the entity with which the department contracts under subsection (1)(b).~~

~~(8) The fees collected by the department under subsection (7) must be used to help defray costs incurred by the department in administering the program and in contracting with private entities as provided in subsection (1). The department may not use the fees collected under subsection (7) for any other purpose.~~

~~(7)~~ The department may establish a schedule of fees that may be charged to those persons participating in the driver improvement and rehabilitation program. The fees must be used to help defray costs of maintaining the program.

~~(9)~~(8) A person may be referred to this program by a driver improvement analyst, city judge, justice of the peace, youth court judge, judge of a district court of the state, or hearing examiner of the department.

~~(10)~~(9) (a) Except as provided in ~~(10)(b)~~ subsection (9)(b), the department may issue a restricted probationary license to any person who enrolls and participates in the driver rehabilitation and improvement program. Upon

issuance of a probationary license under this section, the licensee is subject to the restrictions set forth on the license.

(b) The department may not issue a restricted probationary license that would permit an individual to drive a commercial motor vehicle during a period in which:

(i) the individual is disqualified from operating a commercial motor vehicle under state or federal law; or

(ii) the individual's driver's license or driving privilege is revoked, suspended, or canceled.

~~(11)~~(10) It is a misdemeanor for a person to operate a motor vehicle in any manner in violation of the restrictions imposed on a restricted license issued to the person under this section."

Section 2. Section 61-5-107, MCA, is amended to read:

"61-5-107. Application for license, instruction permit, or motorcycle endorsement. (1) Each application for an instruction permit, driver's license, or motorcycle endorsement must be made upon a form furnished by the department. Each application must be accompanied by the proper fee, and payment of the fee entitles the applicant to not more than three attempts to pass the examination within a period of 6 months from the date of application. A voter registration form for mail registration as prescribed by the secretary of state must be attached to each driver's license application. If the applicant wishes to register to vote, the department shall accept the registration and forward the form to the election administrator.

(2) Each application must include the full legal name, date of birth, sex, residence address of the applicant [and the applicant's social security number], must include a brief description of the applicant, and must include a statement that allows the department to determine if:

(a) the applicant has previously been licensed as a driver or commercial vehicle operator, and, if so, when and by what state or country;

(b) any commercial driver's license has ever been suspended or revoked;

(c) an application has ever been denied and, if so, the date of and reason for suspension, revocation, or denial;

(d) the applicant has a physical or mental disability, limitation, or condition that impairs or may impair the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway; and

(e) the applicant relies upon, or intends to rely upon, any adaptive equipment or operational restrictions to attain the ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway, including the nature of the equipment or restrictions.

[(3) The department shall keep the applicant's social security number from this source confidential, except that the number may be used for purposes of subtitle VI of Title 49 of the U.S.C. or as otherwise permitted by state law administered by the department and may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.]

(4) (a) When an application is received from an applicant *who is not ineligible for licensure under 61-5-105 and who was previously licensed by another jurisdiction*, the department shall request a copy of the applicant's

driving record from the previous licensing jurisdiction. The driving record may be transmitted manually or by electronic medium. ~~When received, the driving records become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance.~~

(b) When received, the driving records must be appended to the driver's record created and maintained in this state. The department may rely on information contained in driving records received under this section to determine the appropriate action to be taken against the applicant upon subsequent receipt of a report of a conviction or other conduct requiring suspension or revocation of a driver's license under state law. (Bracketed language terminates on occurrence of contingency—sec. 1, Ch. 27, L. 1999.)

Section 3. Section 61-5-205, MCA, is amended to read:

~~61-5-205. Mandatory revocation or suspension of license upon proper authority certain convictions — duration of action — exceptions.~~ (1) The department ~~upon proper authority~~ shall revoke ~~the an individual's driver's license or the operating privilege of a driver upon receiving a record of the driver's conviction of or forfeiture of bail not vacated for any of the following offenses, when the conviction or forfeiture has become final or driving privilege if the department receives notice from a court or another licensing jurisdiction that the individual has been convicted of any of the following offenses:~~

- (a) negligent homicide resulting from the operation of a motor vehicle;
- ~~(b) driving a motor vehicle while under the influence of alcohol or any drug or a combination of alcohol or drugs, except as provided in 61-5-208, or operation of a motor vehicle by a person with a blood alcohol concentration of 0.10 or more;~~
- ~~(c)(b)~~ any felony in the commission of which a motor vehicle is used;
- ~~(d)(c)~~ failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another;
- ~~(e)(d)~~ perjury or the making of a false affidavit or statement under oath to the department under this chapter or under any other law relating to the ownership or operation of motor vehicles; or
- ~~(f) conviction or forfeiture of bail not vacated upon three charges of reckless driving committed within a period of 12 months; or~~
- ~~(g)(e)~~ negligent vehicular assault as defined in 45-5-205 involving a motor vehicle.

(2) ~~The department upon proper authority shall suspend the driver's license or the operating privilege of a driver upon receiving a record of the driver's conviction of or forfeiture of bail not vacated for~~ The department shall suspend an individual's driver's license or driving privilege if the department receives notice from a court or another licensing jurisdiction that the individual has been convicted of any of the following offenses:

- (a) driving a motor vehicle while under the influence of alcohol or any drug or a combination of alcohol or drugs or operating a motor vehicle with a blood alcohol concentration of 0.10 or more;
- (b) three reckless driving offenses committed within a period of 12 months; or

~~(c) a theft offense under 45-6-301 when the conviction or forfeiture has become final if the theft consisted of theft of motor vehicle fuel and a motor vehicle was used in the commission of the offense. The suspension must be for 30 days for a first offense, 6 months for a second offense, and 1 year for a third or subsequent offense.~~

(3) A revocation under subsection (1) must be for a period of 1 year.

(4) (a) Except as provided in subsections (4)(b) and (4)(c), a suspension under subsection (2) must be for a period of 1 year.

(b) A suspension under subsection (2)(a) must be for the period set forth in 61-5-208(2)(b).

(c) A suspension under subsection (2)(c) must be for one of the following periods:

(i) 30 days for a first offense;

(ii) 6 months for a second offense; and

(iii) 1 year for a third or subsequent offense."

Section 4. Section 61-5-206, MCA, is amended to read:

"61-5-206. Authority of department to suspend license or driving privilege or issue probationary license. (1) The department may suspend the driver's license or driving privilege of a driver without preliminary hearing upon a showing by its records or other sufficient evidence that the licensee:

~~(a) has been involved as a driver in any accident resulting in the death or personal injury of another or serious property damage;~~

~~(b) has been convicted with such frequency of serious offenses against traffic regulations governing the movement of vehicles as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways;~~

~~(c) is a habitually reckless or negligent driver of a motor vehicle;~~

~~(d) is incompetent to drive a motor vehicle;~~

~~(e)(a) has committed or permitted an unlawful or fraudulent use of the license as specified in 61-5-302;~~

~~(f) has committed an offense in another state that if committed in this state would be grounds for suspension or revocation;~~

~~(g)(b) has falsified the licensee's date of birth on the application for a driver's license;~~

~~(h)(c) is under 21 years of age and has altered the licensee's or another's driver's license or identification card to obtain alcohol; or~~

~~(i)(d) has authorized another to use the licensee's driver's license or identification card to obtain alcohol; or~~

~~(j) has been declared a driver in need of rehabilitation and improvement, as defined in 61-11-203, and has failed to enroll in or successfully complete, within 90 days of notice, a driver rehabilitation and improvement course or other appropriate course determined by the department as provided in 61-11-204.~~

(2) However, the department may, in lieu of suspending the license or driving privilege, issue a probationary license to a driver, without preliminary hearing, upon a showing by its records or other sufficient evidence that the licensee's driving record would authorize suspension as provided in subsection (1). Upon issuance of a probationary license, the licensee is subject to the

restrictions set forth in the probationary license. The licensee's driving privilege may be suspended upon conviction or forfeiture of bail not vacated of any traffic violation during the period of probation. The licensee shall surrender to the department all driver's licenses that have been issued to the licensee before the probationary license may be issued. The licensee's refusal or neglect to surrender the licenses upon demand is grounds for suspending all licenses. Probationary licenses may be issued for a period not to exceed 12 months.

(3) Upon suspending the license of any person or upon placing the person on probation, as authorized in this section, the department shall immediately notify the licensee in writing and upon the licensee's request shall afford the licensee an opportunity for a hearing as early as practical, within 20 days after receipt of the request, in the county in which the licensee resides unless the department and the licensee agree that the hearing may be held in some other county. At the hearing, the department through its authorized agent may administer oaths and may issue subpoenas for the attendance of witnesses and the production of relevant books and papers and may require a reexamination of the licensee. At the hearing, the department shall either rescind its order of suspension or probation or, for good cause, may affirm, reduce, or extend the period of probation or suspension of the license."

Section 5. Section 61-5-208, MCA, is amended to read:

"61-5-208. Period of suspension or revocation — probationary license — ignition interlock device required on second or subsequent offense.

(1) The department may not suspend or revoke a driver's license or privilege to drive a motor vehicle on the public highways ~~for a period of more than 1 year~~, except as otherwise permitted by law.

(2) (a) Except as provided in 61-2-302, a person whose license or privilege to drive a motor vehicle on the public highways has been suspended or revoked may not have the license, endorsement, or privilege renewed or restored until the revocation or suspension period has been completed.

(b) When a person is convicted or forfeits bail or collateral not vacated for the offense of operating or being in actual physical control of a motor vehicle while under the influence of alcohol or any drug or a combination of alcohol or drugs or for the offense of operation of a motor vehicle by a person with alcohol concentration of 0.10 or more, the department shall, upon receiving a report of conviction or forfeiture of bail or collateral not vacated, suspend the driver's license or driving privilege of the person for a period of 6 months. Upon receiving a report of a conviction or forfeiture of bail or collateral for a second, third, or subsequent offense within 5 years of the first offense, the department shall ~~revoke~~ ~~suspend~~ the license or driving privilege of the person for a period of 1 year and, upon issuance of any restricted probationary license during the period of ~~revocation~~ ~~suspension~~, restrict the person to driving only a motor vehicle equipped with a functioning ignition interlock device. If the 1-year period passes and the person has not completed a chemical dependency education course, treatment, or both, as ordered by the sentencing court, the license ~~revocation~~ ~~suspension~~ remains in effect until the course, treatment, or both, are completed.

(c) For the purposes of subsection (2)(b), a person is considered to have committed a second, third, or subsequent offense if fewer than 5 years have passed between the date of an offense that resulted in a prior conviction and the date of the offense that resulted in the most recent conviction.

(3) (a) If a person pays the reinstatement fee required in 61-2-107 and provides the department proof of compliance with an ignition interlock

restriction imposed under 61-8-442, the department shall stay the license suspension of a person who has been convicted of a violation of 61-8-401 or 61-8-406 and return the person's driver's license. The stay must remain in effect until the period of suspension has expired and any required chemical dependency education course, treatment, or both, have been completed.

(b) If the department receives notice from a court, peace officer, or ignition interlock vendor that the person has violated the court-imposed ignition interlock restriction by, including but not limited to operating a motor vehicle not equipped with the device, tampering with the device, or removing the device before the period of restriction has expired, the department shall lift the stay and reinstate the license suspension for the remainder of the time period. The department may not issue a probationary driver's license to a person whose license suspension has been reinstated because of violation of an ignition interlock restriction.

~~(4) The period for all revocations made mandatory by 61-5-205 is 1 year except as provided in subsection (2).~~

~~(5)(4) (a) The~~ Except as provided in subsection (4)(b), the period of suspension or revocation for a person convicted of any offense that makes mandatory the suspension or revocation of the person's driver's license commences from the date of conviction or forfeiture of bail.

~~(b) A suspension commences from the last day of the prior suspension or revocation period if the suspension is for a conviction of driving with a suspended or revoked license.~~

~~(6)(5)~~ If a person is convicted of a violation of 61-8-401 or 61-8-406 while operating a commercial motor vehicle, the department shall suspend the person's driver's license as provided in 61-8-802."

Section 6. Section 61-5-212, MCA, is amended to read:

"61-5-212. Driving while license suspended or revoked — penalty — seizure of vehicle or rendering vehicle inoperable. (1) A person who drives a motor vehicle or commercial motor vehicle on any public highway of this state at a time when the person's privilege to do so is suspended or revoked in this state or any other state is guilty of a misdemeanor and upon conviction shall be punished by imprisonment for not less than 2 days or more than 6 months and may be fined not more than \$500.

(2) The department upon receiving a record of the conviction of any person under this section upon a charge of driving a vehicle while the person's driver's license was suspended or revoked shall extend the period of suspension or revocation for an additional ~~like~~ 1-year period.

(3) The vehicle owned and operated at the time of an offense under this section by a person whose driver's license is suspended or ~~revoked~~ for violating the provisions of 61-8-401, 61-8-402, 61-8-406, 61-8-409, or 61-8-410 must, upon a person's first conviction, be seized or rendered inoperable by the county sheriff of the convicted person's county of residence for a period of 30 days.

(4) The sentencing court shall order the action provided for under subsection (3) and shall specify the date on which the vehicle is to be returned or again rendered operable. The vehicle must be seized or rendered inoperable by the sheriff within 10 days after the conviction.

(5) A convicted person is responsible for all costs associated with actions taken under subsection (3). Joint ownership of the vehicle with another person

does not prohibit the actions required by subsection (3) unless the sentencing court determines that those actions would constitute an extreme hardship on a joint owner who is determined to be without fault.

(6) A court may not suspend or defer imposition of penalties provided by this section."

Section 7. Section 61-7-103, MCA, is amended to read:

"61-7-103. Accidents involving death or personal injuries. (1) The driver of any vehicle involved in an accident resulting in injury to or death of any person shall immediately stop ~~such the~~ vehicle at the scene of ~~such the~~ accident or as close ~~thereto~~ to the accident as possible, but shall then ~~forthwith~~ return to and in every event ~~shall~~ remain at the scene of the accident until ~~he the driver~~ has fulfilled the requirements of 61-7-105. ~~Every such stop shall.~~ Each stop at the scene of the accident must be made without obstructing traffic more than is necessary.

(2) ~~Any person~~ A driver failing to stop or to comply with ~~said the~~ requirements ~~under such circumstances of subsection (1)~~ shall upon conviction be punished by imprisonment for not less than 30 days or more than 1 year, ~~or~~ by a fine of not less than \$100 or more than \$5,000, or by both ~~such~~ fine and imprisonment.

(3) The department shall revoke the license or permit to drive of any resident and any nonresident operating privilege of ~~any a person so~~ convicted of violating this section for the period prescribed in ~~61-5-208~~ 61-5-205."

Section 8. Section 61-8-402, MCA, is amended to read:

"61-8-402. Blood or breath tests for alcohol, drugs, or both. (1) A person who operates or is in actual physical control of a vehicle upon ways of this state open to the public is considered to have given consent to a test or tests of the person's blood or breath for the purpose of determining any measured amount or detected presence of alcohol or drugs in the person's body.

(2) (a) The test or tests must be administered at the direction of a peace officer when:

(i) the officer has reasonable grounds to believe that the person has been driving or has been in actual physical control of a vehicle upon ways of this state open to the public while under the influence of alcohol, drugs, or a combination of the two and the person has been placed under arrest for a violation of 61-8-401;

(ii) the person is under the age of 21 and has been placed under arrest for a violation of 61-8-410; or

(iii) the officer has probable cause to believe that the person was driving or in actual physical control of a vehicle in violation of 61-8-401 and the person has been involved in a motor vehicle accident or collision resulting in property damage, bodily injury, or death.

(b) The arresting or investigating officer may designate which test or tests are administered.

(3) A person who is unconscious or who is otherwise in a condition rendering the person incapable of refusal is considered not to have withdrawn the consent provided by subsection (1).

(4) If an arrested person refuses to submit to one or more tests requested and designated by the officer as provided in subsection (2), the refused test or tests

may not be given, but the officer shall, on behalf of the department, immediately seize the person's driver's license. The peace officer shall immediately forward the license to the department, along with a report certified under penalty of law stating which of the conditions set forth in subsection (2)(a) provides the basis for the testing request and confirming that the person refused to submit to one or more tests requested and designated by the peace officer. Upon receipt of the report, the department shall suspend the license for the period provided in subsection (6).

(5) Upon seizure of a driver's license, the peace officer shall issue, on behalf of the department, a temporary driving permit, which is effective 12 hours after issuance and is valid for 5 days following the date of issuance, and shall provide the driver with written notice of the license suspension ~~or revocation~~ and the right to a hearing provided in 61-8-403.

(6) The following suspension ~~and revocation~~ periods are applicable upon refusal to submit to one or more tests:

(a) upon a first refusal, a suspension of 6 months with no provision for a restricted probationary license;

(b) upon a second or subsequent refusal within 5 years of a previous refusal, as determined from the records of the department, a ~~revocation~~ suspension of 1 year with no provision for a restricted probationary license.

(7) A nonresident driver's license seized under this section must be sent by the department to the licensing authority of the nonresident's home state with a report of the nonresident's refusal to submit to one or more tests.

(8) The department may recognize the seizure of a license of a tribal member by a peace officer acting under the authority of a tribal government or an order issued by a tribal court suspending, revoking, or reinstating a license or adjudicating a license seizure if the actions are conducted pursuant to tribal law or regulation requiring alcohol or drug testing of motor vehicle operators and the conduct giving rise to the actions occurred within the exterior boundaries of a federally recognized Indian reservation in this state. Action by the department under this subsection is not reviewable under 61-8-403.

(9) A suspension under this section is subject to review as provided in this part.

(10) This section does not apply to blood and breath tests, samples, and analyses used for purposes of medical treatment or care of an injured motorist or related to a lawful seizure for a suspected violation of an offense not in this part."

Section 9. Section 61-8-409, MCA, is amended to read:

"61-8-409. Preliminary alcohol screening test. (1) A person who operates or is in actual physical control of a vehicle upon ways of this state open to the public is considered to have given consent to a preliminary alcohol screening test of the person's breath, for the purpose of estimating the person's alcohol concentration, upon the request of a peace officer who has a particularized suspicion that the person was driving or in actual physical control of a vehicle upon ways of this state open to the public while under the influence of alcohol or in violation of 61-8-410.

(2) The person's obligation to submit to a test under 61-8-402 is not satisfied by the person submitting to a preliminary alcohol screening test pursuant to this section.

(3) The peace officer shall inform the person of the right to refuse the test and that the refusal to submit to the preliminary alcohol screening test will result in the suspension ~~or revocation~~ for up to 1 year of that person's driver's license.

(4) If the person refuses to submit to a test under this section, a test will not be given. However, the refusal is sufficient cause to suspend ~~or revoke~~ the person's driver's license as provided in 61-8-402.

(5) A hearing as provided for in 61-8-403 must be available. The issues in the hearing must be limited to determining whether a peace officer had a particularized suspicion that the person was driving or in actual physical control of a vehicle upon ways of this state open to the public while under the influence of alcohol or in violation of 61-8-410 and whether the person refused to submit to the test.

(6) The provisions of 61-8-402 (3) through (8) that do not conflict with this section are applicable to refusals under this section. If a person refuses a test requested under 61-8-402 and this section for the same incident, the department may not consider each a separate refusal for purposes of suspension ~~or revocation~~ under 61-8-402.

(7) A test may not be conducted or requested under this section unless both the peace officer and the instrument used to conduct the preliminary alcohol screening test have been certified by the department pursuant to rules adopted under the authority of 61-8-405(5)."

Section 10. Section 61-8-734, MCA, is amended to read:

"61-8-734. Driving under influence of alcohol or drugs — driving with excessive alcohol concentration — conviction defined — place of imprisonment — home arrest — exceptions — deferral of sentence not allowed. (1) (a) For the purpose of determining the number of convictions under 61-8-714 or 61-8-722 for a violation of 61-8-401 or 61-8-406, "conviction" means a final conviction, as defined in 45-2-101, in this state; conviction for a violation of a similar statute or regulation in another state, or a federally recognized Indian reservation; or a forfeiture of bail or collateral deposited to secure the defendant's appearance in court in this state, another state, or a federally recognized Indian reservation, which forfeiture has not been vacated.

(b) An offender is considered to have been previously convicted for the purposes of sentencing if less than 5 years have elapsed between the commission of the present offense and a previous conviction, unless the offense is the offender's fourth or subsequent offense, in which case all previous convictions must be used for sentencing purposes.

(c) A previous conviction under 61-8-714 or 61-8-722 for violation of 61-8-401 or 61-8-406 may be counted for purposes of determining the number of a subsequent conviction for violation of either 61-8-401 or 61-8-406.

(2) Except as provided in 61-8-731, the court may order that a term of imprisonment imposed under 61-8-714 or 61-8-722 be served in another facility made available by the county and approved by the sentencing court. The defendant, if financially able, shall bear the expense of the imprisonment in the facility. The court may impose restrictions on the defendant's ability to leave the premises of the facility and require that the defendant follow the rules of that facility. The facility may be, but is not required to be, a community-based prerelease center as provided for in 53-1-203. The prerelease center may accept or reject a defendant referred by the sentencing court.

(3) Subject to the limitations set forth in 61-8-714 and 61-8-722 concerning minimum periods of imprisonment, the court may order that a term of imprisonment imposed under either section be served by imprisonment under home arrest, as provided in Title 46, chapter 18, part 10.

(4) A court may not defer imposition of sentence under 61-8-714, 61-8-722, or 61-8-731.

(5) The provisions of 61-2-107, 61-2-302, 61-5-205(1)(b)(2), and 61-5-208(2), relating to suspension ~~and revocation~~ of driver's licenses and later reinstatement of driving privileges, apply to any conviction under 61-8-714 or 61-8-722 for a violation of 61-8-401 or 61-8-406."

Section 11. Section 61-11-203, MCA, is amended to read:

"61-11-203. Definitions. As used in this part, the following definitions apply:

(1) "Conviction" means a finding of guilt by duly constituted judicial authority, a plea of guilty or nolo contendere, or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any offense relating to the use or operation of a motor vehicle that is prohibited by law, ordinance, or administrative order.

~~(2) "Driver in need of rehabilitation and improvement" means a person who within a 2-year period accumulates 18 or more conviction points according to the schedule specified in subsection (3).~~

~~(3)~~(2) "Habitual traffic offender" means any person who within a 3-year period accumulates 30 or more conviction points according to the schedule specified in this subsection:

(a) deliberate homicide resulting from the operation of a motor vehicle, 15 points;

(b) mitigated deliberate homicide, negligent homicide resulting from operation of a motor vehicle, or negligent vehicular assault, 12 points;

(c) any offense punishable as a felony under the motor vehicle laws of Montana or any felony in the commission of which a motor vehicle is used, 12 points;

(d) driving while under the influence of intoxicating liquor or narcotics or drugs of any kind or operation of a motor vehicle by a person with alcohol concentration of 0.10 or more, 10 points;

(e) operating a motor vehicle while the license to do so has been suspended or revoked, 6 points;

(f) failure of the driver of a motor vehicle involved in an accident resulting in death or injury to any person to stop at the scene of the accident and give the required information and assistance, as defined in 61-7-105, 8 points;

(g) willful failure of the driver involved in an accident resulting in property damage of \$250 to stop at the scene of the accident and give the required information or failure to otherwise report an accident in violation of the law, 4 points;

(h) reckless driving, 5 points;

(i) illegal drag racing or engaging in a speed contest in violation of the law, 5 points;

(j) any of the mandatory motor vehicle liability protection offenses under 61-6-301 and 61-6-302, 5 points;

(k) operating a motor vehicle without a license to do so, 2 points (this subsection (k) does not apply to operating a motor vehicle within a period of 180 days from the date the license expired);

(l) speeding, except as provided in 61-8-725(2), 3 points;

(m) all other moving violations, 2 points.

~~(4)~~(3) There may not be multiple application of cumulative points when two or more charges are filed involving a single occurrence. If there are two or more convictions involving a single occurrence, only the number of points for the specific conviction carrying the highest points is chargeable against that defendant.

~~(5)~~(4) "License" means any type of license or permit to operate a motor vehicle.

~~(6)~~(5) "Moving violation" means a violation of a traffic regulation of this state or another jurisdiction by a person while operating a motor vehicle or in actual physical control of a motor vehicle upon a highway, as the term is defined in 61-1-201.

~~(7)~~(6) A traffic regulation includes any provision governing motor vehicle operation, equipment, safety, size, weight, and load restrictions or driver licensing. A traffic regulation does not include provisions governing vehicle registration or local parking."

Section 12. Section 61-11-204, MCA, is amended to read:

"61-11-204. Department's duties. (1) If the records maintained by the department show that a person's driving record brings the person within the definition of a habitual traffic offender, the department shall:

(a) declare the person a habitual traffic offender;

(b) revoke the person's driver's license or driving privileges as provided in 61-11-211; and

(c) notify the person in writing of the declaration and revocation.

(2) The notice must be sent by first-class mail to the most current address on record with the department. The notice must include a certified reproduction of the person's driving record as contained in the computer storage device used by the department for recordkeeping. The notice must inform the person of the right under 61-11-210 to appeal the declaration and revocation. Service of the notice is complete upon mailing.

~~(3) If the records maintained by the department show that a person's driving record brings the person within the definition of a driver in need of rehabilitation and improvement, the department shall:~~

~~(a) declare the person a driver in need of rehabilitation and improvement;~~

~~(b) notify the person that unless the person enrolls in and successfully completes, within 90 days of notification, a certified driver rehabilitation and improvement course, as provided in 61-2-302, the person's driver's license will be suspended for a period not to exceed 6 months or until the person has successfully completed the course, whichever occurs first;~~

~~(c) provide the person with a list of certified driver rehabilitation and improvement courses and information about how the person may comply with~~

~~the provisions of this subsection (3) if a driver rehabilitation and improvement program does not exist near the person's residence; and~~

~~(d) send the notice as provided in subsection (2).~~

~~(4) If the person fails to enroll in a certified driver rehabilitation and improvement program or fails to successfully complete the program or an appropriate substitute within 90 days, the department may suspend the person's driver's license as provided in 61-5-206 for a period not to exceed 6 months or until the person has successfully completed the course, whichever occurs first."~~

Section 13. Section 61-13-104, MCA, is amended to read:

"61-13-104. Penalty — no record permitted. (1) A driver who violates 61-13-103 shall be fined \$20, but the violation is not a misdemeanor pursuant to 45-2-101, 46-18-236, 61-8-104, or 61-8-711. A violation of 61-13-103 may not be counted as a moving violation for purposes of suspending a driver's license under 61-11-203~~(3)(m)~~(2)(m). Bond for this offense is \$20, and a jail sentence may not be imposed.

(2) A violation of 61-13-103 may not be recorded or charged against the driver's record of a person violating 61-13-103.

(3) An insurance company may not hold a violation of 61-13-103 against the insured or increase the insured's premiums due to a violation of 61-13-103."

Section 14. Discount on license reinstatement fee — completion of driver rehabilitation program. (1) A person who submits a certificate of completion from a department-approved driver rehabilitation program must receive a 50% reduction on the license reinstatement fee due under 61-2-107 or [section 1 of House Bill No. 215].

(2) For purposes of this section, a driver rehabilitation program may be approved by the department if the program provider annually certifies to the department that the provider's program:

(a) provides a participant with a minimum of 4 hours of instruction on Montana driving laws, the importance of positive driving attitudes and habits, defensive driving techniques, and the responsible use of drugs and alcohol;

(b) includes preinstruction and postinstruction testing of each participant;

(c) provides a certificate of completion to each person who successfully completes the program; and

(d) reports to the department, in a timely manner, the name, date of birth, and driver's license number of each person to whom the provider has issued a certificate of completion.

Section 15. Coordination instruction. (1) If a senate or house bill is passed and approved that amends 61-8-406(1)(a) by substituting "0.08" for "0.10", then "0.08" is substituted for "0.10" in 61-5-205(2)(a) as amended by [this act].

(2) If House Bill No. 215 is not passed and approved, then the bracketed language in [section 14(1) of this act] is void.

(3) If House Bill No. 185 and [this act] are both passed and approved, then subsection (4)(a) of 61-5-107 as amended by [this act] must read as follows:

"(4) (a) When an application is received from an applicant *who is not ineligible for licensure under 61-5-105 and who was previously licensed by*

another jurisdiction, the department shall request a copy of the applicant's driving record from ~~the previous licensing jurisdiction~~ *each jurisdiction in which the applicant was licensed in the preceding 10-year period*. The driving record may be transmitted manually or by electronic medium. ~~When received, the driving records become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance.~~

(4) If Senate Bill No. 13 and [this act] are both passed and approved, then [section 1 of Senate Bill No. 13], amending 61-5-205, is void.

(5) If Senate Bill No. 37 and [this act] are both passed and approved, then subsection (3) of 61-5-205 in [this act] must read as follows:

"(3) Except as provided in 61-5-208(3)(c), a revocation under subsection (1) of this section must be for a period of 1 year."

(6) If Senate Bill No. 37 and [this act] are both passed and approved, then 61-5-208 must read as follows:

"61-5-208. Period of suspension or revocation — probationary license — ignition interlock device required ~~on second or subsequent offense~~. (1) The department may not suspend or revoke a driver's license or privilege to drive a motor vehicle on the public highways ~~for a period of more than 1 year~~, except as ~~otherwise~~ permitted by law.

(2) ~~(a)~~ Except as provided in 61-2-302, a person whose license or privilege to drive a motor vehicle on the public highways has been suspended or revoked may not have the license, endorsement, or privilege renewed or restored until the revocation or suspension period has been completed.

~~(b)(3) When~~ *If the department receives a report from a court or another licensing jurisdiction that a person is has been convicted or forfeits has forfeited bail or collateral not vacated for the offense of operating or being in actual physical control of a motor vehicle while under the influence of alcohol or any drug or a combination of alcohol or drugs or for the offense of operation of a motor vehicle by a person with alcohol concentration of 0.10 or more, the department shall, upon receiving a report of conviction or forfeiture of bail or collateral not vacated;*

(a) upon a first conviction, suspend the driver's license or driving privilege of the person for a period of 6 months. Upon receiving a report of a conviction or forfeiture of bail or collateral for a second, third, or subsequent offense within 5 years of the first offense, the department shall revoke the license or driving privilege of the person for a period of 1 year and, upon Upon issuance of any restricted probationary license during the period of ~~revocation~~ suspension, the department shall restrict the person to driving only a motor vehicle equipped with a functioning ignition interlock device:

(i) if the report shows that the person's alcohol concentration at the time of arrest was 0.16 or greater; or

(ii) if ordered by the court when the person's alcohol concentration at the time of arrest was less than 0.16.

(b) upon a second or third conviction for an offense within 5 years of the first offense, suspend the license or driving privilege of the person for a period of 1 year and, upon reinstatement of the person's driving privileges, restrict the person to driving only a motor vehicle equipped with a functioning ignition interlock device during the 12-month period beginning with the end of the period of the

driver's license suspension. A restricted probationary license may not be issued during the 1-year period of suspension.

(c) upon a fourth or subsequent conviction constituting a felony under 61-8-731, revoke the license or driving privilege of the person for a period of 5 years. A restricted probationary license may not be issued during the first 2 years of the revocation period. If the person's probation officer agrees, the person's driving privileges may be reinstated for the last 3 years of the revocation period, and the person must be restricted to driving only a motor vehicle equipped with a functioning ignition interlock device during the remainder of the revocation period.

(4) If the ~~1-year~~ period of revocation under subsection (3)(b) or (3)(c) passes and the person has not completed a chemical dependency education course, treatment, or both, as ordered by the sentencing court, the license revocation remains in effect until the course, treatment, or both, are completed.

~~(c)~~(5) For the purposes of subsection ~~(2)(b)~~ (3), a person is considered to have committed a second, third, or subsequent offense if fewer than 5 years have passed between the date of an offense that resulted in a prior conviction and the date of the offense that resulted in the most recent conviction.

~~(3) (a) If a person pays the reinstatement fee required in 61-2-107 and provides the department proof of compliance with an ignition interlock restriction imposed under 61-8-442, the department shall stay the license suspension of a person who has been convicted of a violation of 61-8-401 or 61-8-406 and return the person's driver's license. The stay must remain in effect until the period of suspension has expired and any required chemical dependency education course, treatment, or both, have been completed.~~

~~(b)~~(6) If When an ignition interlock restriction is imposed under subsection (3) and the department receives notice from a court, peace officer, or ignition interlock vendor that the person has violated the ~~court-imposed~~ ignition interlock restriction by, including but not limited to such acts as operating a motor vehicle not equipped with the device, tampering with the device, or removing the device before the period of restriction has expired, the department shall lift the stay and reinstate the license suspension suspend the person's license or driving privilege for the remainder of the ~~time~~ restriction period. The department may not issue a restricted probationary ~~driver's~~ license to a person whose license ~~suspension~~ has been ~~reinstated~~ suspended because of violation of an ignition interlock restriction.

~~(4) The period for all revocations made mandatory by 61-5-205 is 1 year except as provided in subsection (2).~~

~~(5)~~(7) (a) The Except as provided in subsection (7)(b), the period of suspension or revocation for a person convicted of any offense that makes mandatory the suspension or revocation of the person's driver's license commences from the date of conviction or forfeiture of bail.

(b) A suspension commences from the last day of the prior suspension or revocation period if the suspension is for a conviction of driving with a suspended or revoked license.

~~(6)~~(8) If a person is convicted of a violation of 61-8-401 or 61-8-406 while operating a commercial motor vehicle, the department shall suspend the person's driver's license as provided in 61-8-802."

(7) If House Bill No. 195 and [this act] are both passed and approved, then [section 1 of House Bill No. 195], amending 61-2-302, is void.

(8) If House Bill No. 195 and [this act] are both passed and approved and Senate Bill No. 37 is not passed and approved, then 61-5-208 must read as follows:

~~“61-5-208. Period of suspension or revocation — probationary license — ignition interlock device required allowed on second or subsequent first offense.~~ (1) The department may not suspend or revoke a driver's license or privilege to drive a motor vehicle on the public highways ~~for a period of more than 1 year, except as otherwise permitted by law.~~

(2) (a) Except as provided in 61-2-302, a person whose license or privilege to drive a motor vehicle on the public highways has been suspended or revoked may not have the license, endorsement, or privilege renewed or restored until the revocation or suspension period has been completed.

(b) When a person is convicted or forfeits bail or collateral not vacated ~~for the~~ *a first offense of operating or being in actual physical control of a motor vehicle while under the influence of alcohol or any drug or a combination of alcohol or drugs or for the a first offense of operation of a motor vehicle by a person with alcohol concentration of 0.10 or more, the department shall, upon receiving a report of conviction or forfeiture of bail or collateral not vacated, suspend the driver's license or driving privilege of the person for a period of 6 months. Upon receiving a report of a conviction or forfeiture of bail or collateral for a second, third, or subsequent offense within 5 years of the first offense, the department shall *revoke* ~~suspend~~ the license or driving privilege of the person for a period of 1 year and, ~~upon issuance of any restricted may not issue a probationary license during the period of revocation, restrict the person to driving only a motor vehicle equipped with a functioning ignition interlock device suspension.~~ If the 1-year *suspension* period passes and the person has not completed a chemical dependency education course, treatment, or both, as ordered by the sentencing court, the license ~~revocation~~ *suspension* remains in effect until the course, treatment, or both, are completed.*

(c) For the purposes of subsection (2)(b), a person is considered to have committed a second, third, or subsequent offense if fewer than 5 years have passed between the date of an offense that resulted in a prior conviction and the date of the offense that resulted in the most recent conviction.

(3) (a) If ~~a~~ *the* person pays the reinstatement fee required in 61-2-107 and provides the department proof of compliance with an ignition interlock restriction imposed under 61-8-442, the department shall stay the license suspension of a person who has been convicted of a *first* violation of 61-8-401 or 61-8-406 and return the person's driver's license. The stay must remain in effect until the period of suspension has expired and any required chemical dependency education course, treatment, or both, have been completed.

(b) If the department receives notice from a court, peace officer, or ignition interlock vendor that the person has violated the court-imposed ignition interlock restriction by, including but not limited to operating a motor vehicle not equipped with the device, tampering with the device, or removing the device before the period of restriction has expired, the department shall lift the stay and reinstate the license suspension for the remainder of the time period. The department may not issue a probationary driver's license to a person whose license suspension has been reinstated because of violation of an ignition interlock restriction.

~~(4) The period for all revocations made mandatory by 61-5-205 is 1 year except as provided in subsection (2).~~

~~(5)(4)~~ (a) ~~The~~ Except as provided in subsection (4)(b), the period of suspension or revocation for a person convicted of any offense that makes mandatory the suspension or revocation of the person's driver's license commences from the date of conviction or forfeiture of bail.

(b) A suspension commences from the last day of the prior suspension or revocation period if the suspension is for a conviction of driving with a suspended or revoked license.

~~(6)(5)~~ (5) If a person is convicted of a violation of 61-8-401 or 61-8-406 while operating a commercial motor vehicle, the department shall suspend the person's driver's license as provided in 61-8-802."

Section 16. Effective date. [This act] is effective on passage and approval.

Approved May 5, 2003

CHAPTER NO. 557

[HB 201]

AN ACT GENERALLY REVISING VOTER REGISTRATION AND ABSENTEE BALLOT PROVISIONS FOR ELECTORS ABSENT FROM THE POLLING PLACE ON ELECTION DAY; ESTABLISHING THE MONTANA ABSENT UNIFORMED SERVICES AND OVERSEAS ELECTOR VOTING ACT TO IMPLEMENT CERTAIN PROVISIONS OF THE FEDERAL UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT AND THE FEDERAL HELP AMERICA VOTE ACT OF 2002; PROVIDING DEFINITIONS; DESIGNATING THE SECRETARY OF STATE AS THE SINGLE POINT OF CONTACT FOR INFORMATION ABOUT ABSENT UNIFORMED SERVICES AND OVERSEAS ELECTORS AND REQUIRING A REPORT ON ABSENTEE BALLOTS FOR THOSE ELECTORS; AUTHORIZING ABSENT UNIFORMED SERVICES ELECTORS NOT OVERSEAS TO USE THE FEDERAL WRITE-IN ABSENTEE BALLOT FOR REGISTRATION AND APPLICATION FOR ABSENTEE BALLOTS; PROVIDING THAT THE ABSENTEE BALLOT APPLICATION OF CERTAIN ELECTORS MUST APPLY TO CERTAIN FUTURE ELECTIONS; REVISING THE TIME PERIOD DURING WHICH ANY ELECTOR MAY APPLY FOR AN ABSENTEE BALLOT; REQUIRING THAT ANY APPLICATION FOR AN ABSENTEE BALLOT INCLUDE THE ELECTOR'S BIRTH DATE; PROVIDING THAT IF AN APPLICATION BY CERTAIN ELECTORS IS REJECTED, THE ELECTORS MUST BE NOTIFIED OF THE REASON; CLARIFYING THE PROCEDURE FOR CASTING AND COUNTING THE FEDERAL WRITE-IN ABSENTEE BALLOT; AMENDING SECTIONS 13-2-212, 13-2-214, 13-2-215, 13-13-211, 13-13-212, 13-13-213, 13-13-214, 13-13-229, 13-13-271, 13-13-272, 13-13-273, 13-13-277, AND 13-13-278, MCA; AND REPEALING SECTIONS 13-2-211 AND 13-13-276, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Short title. [Sections 1 through 7] may be cited as the "Montana Absent Uniformed Services and Overseas Elector Voting Act".

Section 2. Definitions. As used in [sections 1 through 7], the following definitions apply:

(1) "Absent uniformed services elector" means an absent uniformed services voter pursuant to 42 U.S.C. 1973ff-6 who is:

(a) a member of the uniformed services on active duty who, by reason of the active duty, is absent from the place of residence where the member is otherwise qualified to vote;

(b) a member of the merchant marine who, by reason of service in the merchant marine, is absent from the place of residence where the member is otherwise qualified to vote; or

(c) a spouse or dependent of a member referred to in subsection (1)(a) or (1)(b) who, by reason of the member's active duty, is absent from the place of residence where the spouse or dependent is otherwise qualified to vote.

(2) "Federal post card application" means the federal post card application prescribed pursuant to 42 U.S.C. 1973ff.

(3) "Federal write-in absentee ballot" means the federal write-in absentee ballot prescribed pursuant to 42 U.S.C. 1973ff-2.

(4) "Member of the merchant marine" means, pursuant to 42 U.S.C. 1973ff-6, a person, other than a member of the uniformed services or an individual employed, enrolled, or maintained on the Great Lakes of the inland waterways, who is:

(a) employed as an officer or crew member of a vessel documented under the laws of the United States, a vessel owned by the United States, or a vessel of a foreign-flag registry under charter to or control of the United States; or

(b) enrolled as an officer or crew member with the United States for employment or for training for employment or who is maintained by the United States for emergency relief service on a vessel described in subsection (4)(a).

(5) "Overseas elector" means an overseas voter pursuant to 42 U.S.C. 1973ff-6 who is:

(a) an absent uniformed services elector who by reason of active duty or service is absent from the United States on the date of the election involved;

(b) a person who resides outside the United States and is qualified to vote in the last place in which the person was domiciled before leaving the United States; or

(c) a person who resides outside the United States and would otherwise be qualified to vote in the last place in which the person was domiciled before leaving the United States.

(6) "Regular absentee ballot" means the absentee ballot prepared by the election administrator for any election.

(7) "Uniformed services" means, pursuant to 42 U.S.C. 1973ff-6, the U.S. army, navy, air force, marine corps, and coast guard, the commissioned corps of the U.S. public health service, and the commissioned corps of the U.S. national oceanic and atmospheric administration.

(8) "United States", as used in the context of describing a geographical area, means, pursuant to 42 U.S.C. 1973ff-6, the several states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and American Samoa.

(9) "United States elector" means an absent uniformed services elector or an overseas elector.

(10) "Voter registration form" means the form approved by the secretary of state that an elector may use to register to vote in Montana.

Section 3. Secretary of state designated as single point of contact.

(1) The office of the secretary of state is the state's single point of contact responsible for providing information regarding voter registration and absentee ballot procedures to be used by a United States elector.

(2) The secretary of state shall, with the assistance of local election administrators, compile, make available to the general public, or forward to appropriate federal authorities any reports or information required to be compiled, made available, or forwarded pursuant to federal law.

Section 4. Application for absentee ballots. (1) A United States elector may apply for regular absentee ballots as follows:

(a) by making a written request, which must include the elector's birth date and signature;

(b) by properly completing, signing, and returning to the election administrator the federal post card application; or

(c) by properly completing, signing, and returning to the appropriate county election administrator the federal write-in absentee ballot transmission envelope.

(2) An application for a federal write-in absentee ballot must be received by the appropriate county election administrator not less than 30 days before the date of an election. An application received less than 30 days before the date of an election must be processed for the next election.

(3) An application under this section is valid for all state and local elections in the calendar year in which the application is made and the next two regularly scheduled federal general elections. The elector's county election administrator shall provide the elector with a regular absentee ballot for the elections described in this subsection as soon as the ballots become available.

Section 5. Replacement absentee ballots. A United States elector who has made a request for an absentee ballot pursuant to [section 4] may, in the event of the death of a candidate after the primary election but before the general election, make a request for a replacement ballot. The request for a replacement ballot may be made to the election administrator by telephone, letter, facsimile transmission, or electronic mail.

Section 6. Mailing ballots to United States elector. Ballots mailed to a United States elector must be handled as prescribed in 13-13-214, except that both the envelope in which a ballot is mailed to the elector and the return envelope for the ballot must have printed across its face the information and graphics and be of the color prescribed by the secretary of state consistent with the regulations established by the federal election commission, the U.S. postal service, or other federal agency.

Section 7. Report on absentee ballots. (1) Within 60 days after the date of each regularly scheduled federal general election, each county election administrator shall report to the secretary of state:

(a) the number of regular absentee ballots transmitted by the election administrator to United States electors for the election; and

(b) the number of regular absentee ballots cast and returned to the election administrator for the election from United States electors.

(2) The secretary of state may prescribe a standardized format for the report.

(3) Within 90 days after the date of each regularly scheduled federal general election, the secretary of state shall report to the federal election assistance commission, established pursuant to the Help America Vote Act of 2002, Public Law 107-252, or its successor a statewide report containing the information provided under subsection (1). The report must be made in the format prescribed by the federal election assistance commission.

Section 8. Registration provisions for United States electors supersede. A provision of this chapter may not be interpreted to conflict with [sections 1 through 7].

Section 9. Absentee voting provisions for United States electors supersede. A provision of this chapter may not be interpreted to conflict with [sections 1 through 7].

Section 10. Section 13-2-212, MCA, is amended to read:

“13-2-212. Registration of electors in United States service electors — simultaneous application for absentee ballot. (1) ~~An elector in the A United States service elector who is absent from the state and the county of which the elector is a resident~~ may register with the election administrator in the elector's county of residence ~~as follows by properly completing, signing, and returning:~~

~~(a) by the close of registration provided for in 13-2-301, by using:~~

~~(i)(a) the voter registration form;~~

~~(ii)(b) the federal post card application; or~~

~~(iii)(c) if eligible, the federal write-in absentee ballot as provided in 13-13-271(3) transmission envelope;~~

~~(b)(2) after the close of registration, only by federal post card application, which A registration application under this section must be received by the election administrator by noon on the day not less than 30 days before the election for the registration to be valid for the election. If the registration application is received less than 30 days before the election, the registration application must be processed for the next election.~~

~~(2) The form of the federal post card application must be prescribed by the secretary of state.~~

~~(3) A registration application using a federal post card application or the federal write-in absentee ballot transmission envelope must be considered a simultaneous application for absentee ballots under [section 4].”~~

Section 11. Section 13-2-214, MCA, is amended to read:

“13-2-214. Classification of federal post card application applications — notification of elector. (1) ~~Unless the elector is already registered, a federal post card application received from an elector in the United States service shall be treated as a simultaneous application for registration and for ballot for each primary and general election in which he is entitled to vote during the year of its receipt.~~

~~(2)(1) Upon receipt by the election administrator of a federal post card an application pursuant to 13-13-212 or [section 4], properly filled out and signed, the election administrator shall:~~

~~(a) classify the application according to the precinct in which the elector resides or, if the information is insufficient to determine precinct of residence, assign an appropriate precinct;~~

(b) immediately enter all information in the registration records of the office and either file the *federal* post card application with regular registration forms or file a photocopy attached to a regular registration form on which the information has been entered; *This information is sufficient to meet any identification requirements provided by law for an elector.*

(c) send to the applicant by the fastest mail service available, *which may include facsimile transmission or electronic mail*, a notice that ~~he the elector~~ has been registered and informing ~~him the elector~~ that a ballot is enclosed or that ~~he the elector~~ will be mailed an absentee ballot for *that election or for the next election in which he the elector* is entitled to vote under subsection (1) or, *if the application is rejected, a notice that the application has been rejected and the reasons for the rejection.*

~~(3)~~(2) The election administrator may use photocopies of the *federal* post card application to complete all necessary records."

Section 12. Section 13-2-215, MCA, is amended to read:

"13-2-215. Registration of United States electors whose United States service or employment has terminated after return. ~~Electors in the A United States service elector who have been honorably discharged from the armed forces of the United States or who have terminated their service or employment outside the territorial limits of the United States has returned to the elector's residence too late to register at the time when and place where registration is required shall be is entitled to register for the purpose of voting at the next ensuing election after such discharge or termination of employment the date of the elector's return up to noon on the day before the election. Said The elector shall execute a sworn affidavit qualifying him the elector under this section to be filed in the office of his the elector's registration. The county registrar shall provide to the person registering under the provisions of this section a certificate stating the precinct in which he the elector is entitled to vote. This certificate shall must be presented to the election judges of that precinct at the time of voting."~~

Section 13. Section 13-13-211, MCA, is amended to read:

"13-13-211. Time period for application. ~~An Except as provided in [section 4], an application for an absentee ballot must be made during a period beginning 75 days before the day of election and ending at noon on the day before at noon on the day before the election. However, a qualified elector who is prevented from voting at the polls as a result of illness or health emergency occurring between 5 p.m. of the Friday preceding the election and noon on election day may request to vote by absentee ballot."~~

Section 14. Section 13-13-212, MCA, is amended to read:

"13-13-212. Application for absentee ballot — special provisions. (1) ~~An elector may apply for an absentee ballot by making a written request, signed by the applicant which must include the elector's birth date and signature, to the election administrator of the applicant's elector's county of residence within the time period specified in 13-13-211.~~

~~(2) An elector in the United States service absent from the state and county in which the elector is registered may apply for an absentee ballot as follows:~~

~~(a) as provided in subsection (1);~~

~~(b) by using the federal postcard application signed by the applicant and made within the time period specified in 13-13-211; or~~

~~(e) if eligible, by using the federal write-in ballot as provided in 13-13-271(3).~~

~~(3)~~(2) (a) If an elector requests an absentee ballot because of a sudden illness or health emergency, the application for an absentee ballot may be made by written request signed by the elector at the time that the ballot is delivered in person by the special absentee election board provided for in 13-13-225.

(b) The elector may request by telephone, facsimile transmission, or other means to have a ballot and application personally delivered by the special absentee election board at the elector's place of confinement, hospitalization, or residence within the county.

(c) A request under this subsection ~~(3)~~ (2) must be received by the election administrator by noon on election day.

~~(4)~~(3) An elector who has made a request for an absentee ballot by one of the methods provided in this section may, in the event of the death of a candidate after the primary election but before the general election, make a request for a replacement ballot. The request for a replacement ballot may be made orally to the election administrator."

Section 15. Section 13-13-213, MCA, is amended to read:

"13-13-213. Transmission of application to election administrator — delivery of ballot. (1) Except as provided in subsection (2), the elector shall forward the application by mail or deliver it in person to the election administrator. The election administrator shall compare the signature on the application with the applicant's signature on the registration card. If convinced the individual making the application is the same as the one whose name appears on the registration card, the election administrator shall deliver the ballot to the elector in person or as otherwise provided in 13-13-214.

(2) In lieu of the requirement provided in subsection (1), an elector who requests an absentee ballot pursuant to 13-13-212~~(3)~~(2) may return the application to the special absentee election board. Upon receipt of the application, the special absentee election board shall examine the signatures on the application and a copy of the voting registration card to be provided by the election administrator. If the special absentee election board believes that the applicant is the same person as the one whose name appears on the registration card, the special absentee election board shall provide a ballot to the elector."

Section 16. Section 13-13-214, MCA, is amended to read:

"13-13-214. Mailing ballot to elector. (1) (a) Except as provided in 13-13-213 and in subsection (1)(b) of this section, as soon as the official ballots are printed, the election administrator shall send by mail, postage prepaid, to each elector from whom the election administrator has received a valid application whatever official ballots are necessary. Ballots must be sent immediately to electors submitting valid requests after the official ballots are printed.

(b) The election administrator may deliver a ballot in person to an individual other than the elector if:

(i) the elector has designated the individual, either by a signed letter or by making the designation on the application form in a manner prescribed by the secretary of state;

(ii) the individual taking delivery of the ballot on behalf of the elector verifies, by signature, receipt of the ballot;

(iii) the election administrator believes that the individual receiving the ballot is the designated person; and

(iv) the designated person has not previously picked up ballots for four other electors.

(2) The election administrator shall enclose with the ballots:

(a) a secrecy envelope, free of any marks that would identify the voter; and

(b) a self-addressed envelope for the return of the ballots. An affirmation in the form prescribed by the secretary of state must be printed on the back of the envelope.

(3) The election administrator shall stamp the ballots provided to an absentee elector as provided in 13-13-116 and remove the stubs from the ballots, attaching the stubs to the elector's absentee ballot application.

~~(4) Both the envelope in which the ballot is mailed to an elector in the United States service and the return envelope must have printed across the face the information and graphics and be of the color prescribed by the secretary of state consistent with the regulations established by the federal election commission, the U.S. postal service, or other federal agency.~~

~~(5)~~(4) If the ballots sent to the elector are for a primary election, the election administrator shall enclose an extra envelope marked "For Unvoted Party Ballot(s)". This envelope may not be numbered or marked in any way so that it can be identified as being used by any one elector.

~~(6)~~(5) Instructions for voting must be enclosed with the ballots. Instructions for primary elections must include use of the envelope for unvoted ballots. The instructions must include information concerning the type or types of writing instruments that may be used to mark the absentee ballot. The instructions must include information regarding use of the secrecy envelope and use of the return and verification envelope. The election administrator shall include a voter information pamphlet with the instructions if:

(a) a statewide ballot issue appears on the ballot mailed to the elector;

(b) the elector is out of the state or will be out of the state at the time of the election; and

(c) the elector requests a voter information pamphlet.

~~(7)~~(6) The return envelope must be self-addressed to the election administrator."

Section 17. Section 13-13-229, MCA, is amended to read:

"13-13-229. Voting performed before special absentee election board. (1) Pursuant to 13-13-212~~(3)~~(2), the elector may request that a special absentee election board personally deliver a ballot to the elector.

(2) The manner and procedure of voting by use of an absentee ballot under this section must be the same as provided in 13-13-221, except that the elector shall hand the marked ballot in the sealed return envelope to the special absentee election board, and the board shall deliver the sealed return envelope to the election administrator or to the election judges of the precinct in which the elector is registered.

(3) An absentee ballot cast by a qualified elector pursuant to this section may not be rejected by the election administrator if the ballot was in the possession of the board before the time designated for the closing of the polls.

(4) An elector who needs assistance in marking the elector's ballot because of physical incapacity or inability to read or write may receive assistance from the special absentee election board appointed to personally deliver the ballot. Any assistance given an elector pursuant to this section must be provided in substantially the same manner as required in 13-13-119."

Section 18. Section 13-13-271, MCA, is amended to read:

"13-13-271. Federal write-in absentee ballot — qualifications. ~~(1) An elector in the A United States service elector, as defined in 13-2-211, who is overseas, has applied for a regular absentee ballot as provided in 13-13-212 or subsection (3) of this section, and fears that the elector might not receive a regular ballot in time to vote and return it to the election administrator pursuant to [section 4] for a federal general election but who has not yet received the regular absentee ballot for the federal general election may vote a federal write-in absentee ballot as provided in 13-13-272.~~

~~(2) The federal write-in absentee ballot is available to military personnel and civilians overseas through the same source that provides federal post card application forms and is only valid for federal elections.~~

~~(3) An overseas elector in the United States service may use a federal write-in absentee ballot transmission envelope to register to vote and to apply for a regular absentee ballot if the envelope is received by the election administrator not less than 30 days before the election and the envelope has been properly completed and signed.~~

~~(4) As used in this section, "overseas" means outside the territorial limits of the United States and does not mean any location within the continental United States, Alaska, Hawaii, or Guam."~~

Section 19. Section 13-13-272, MCA, is amended to read:

"13-13-272. Procedure for voting federal write-in absentee ballot. ~~(1) An A United States elector voting a federal write-in absentee ballot for a federal general election may designate a candidate by writing in the name of the candidate or by writing in the name of the political party. A written designation of the political party must be counted as a vote for the candidate of that party. A vote may not be voided for reasons of misspellings, abbreviations, or other minor variations of the candidate's name.~~

~~(2) If an the elector receives his the regular absentee ballot for the federal general election after he the elector has voted and mailed a federal write-in absentee ballot, he the elector may vote and return the regular absentee ballot."~~

Section 20. Section 13-13-273, MCA, is amended to read:

"13-13-273. Counting of federal write-in absentee ballots. ~~(1) A federal write-in absentee ballot received by an election administrator must may be counted only if:~~

~~(a) the election administrator received the elector's application for a regular absentee ballot not less than 30 days before the election a valid application was received pursuant to [section 4];~~

~~(b) the election administrator has not received a regular absentee ballot from the elector by 8 p.m. on election day;~~

~~(c) it has not been submitted from any location within the continental United States, Alaska, Hawaii, or Guam; and~~

~~(d)(c) it is received by 8 p.m. on election day.~~

(2) Federal write-in absentee ballots received before the close of the polls on election day ~~will~~ may not be counted until the polls have closed.

(3) *A regular absentee ballot received from a United States elector after the polls close may not be counted.*

Section 21. Section 13-13-277, MCA, is amended to read:

“13-13-277. Registration and voting by facsimile and internet authorized. Notwithstanding other provisions of this title, each election administrator may, in any primary election, general election, and special election, take the following acts by facsimile transmission, if facsimile facilities are available, or electronically through the internet for ~~overseas electors in the a~~ United States ~~service elector~~, if internet facilities that provide for secrecy are available, in place of the public mails:

- (1) register an individual to vote;
- (2) give notice of registration;
- (3) receive requests for an absentee ballot;
- (4) transmit absentee ballots to electors; and
- (5) receive absentee ballots from electors.”

Section 22. Section 13-13-278, MCA, is amended to read:

“13-13-278. Adoption of rules — acceptance of funds. (1) The secretary of state shall adopt reasonable rules under the rulemaking provisions of the Montana Administrative Procedure Act to implement 13-13-277. The rules are binding upon election administrators. The rules must require compliance with the same time requirements or deadlines as for registration and voting by absentee ballot by use of the public mails. The rules must maintain the accuracy, integrity, and secrecy of the ballot process and must allow registration and voting by facsimile through use of a private corporation or other private entity for transmission of facsimile messages only if the secretary of state finds that the use is essential to the purposes of ~~13-13-276 through 13-13-278~~ [sections 1 through 7].

(2) The secretary of state may apply for and receive a grant of funds from any agency or office of the United States government or from any other public or private source and may use the money for the purpose of implementing ~~13-13-276 through 13-13-278~~ [sections 1 through 7].”

Section 23. Repealer. Sections 13-2-211 and 13-13-276, MCA, are repealed.

Section 24. Codification instruction. (1) [Sections 1 through 7] are intended to be codified as an integral part of Title 13, and the provisions of Title 13 apply to [sections 1 through 7].

(2) The code commissioner is instructed to renumber 13-2-212, 13-2-214, 13-2-215, 13-13-271, 13-13-272, 13-13-273, 13-13-277, and 13-13-278 as an integral part of [sections 1 through 7], and the provisions of [sections 1 through 7] apply to 13-2-212, 13-2-214, 13-2-215, 13-13-271, 13-13-272, 13-13-273, 13-13-277, and 13-13-278.

(3) [Section 8] is intended to be codified as an integral part of Title 13, chapter 2, and the provisions of Title 13, chapter 2, apply to [section 8].

(4) [Section 9] is intended to be codified as an integral part of Title 13, chapter 13, and the provisions of Title 13, chapter 13, apply to [section 9].

Section 25. Coordination instruction. If House Bill No. 190 and [this act] are both passed and approved, then [section 28 of House Bill No. 190] amending 13-13-212, is void and [section 14 of this act], amending 13-13-212, must read:

“Section 14. Section 13-13-212, MCA, is amended to read:

“13-13-212. Application for absentee ballot — special provisions.(1) An elector may apply for an absentee ballot, *using only a standardized form provided by rule by the secretary of state*, by making a written request, *which must include the applicant's birth date and must be signed by the applicant.*~~The request must be submitted~~ to the election administrator of the applicant's county of residence within the time period specified in 13-13-211.

~~(2) An elector in the United States service absent from the state and county in which the elector is registered may apply for an absentee ballot as follows:~~

~~(a) as provided in subsection (1);~~

~~(b) by using the federal postcard application signed by the applicant and made within the time period specified in 13-13-211; or~~

~~(c) if eligible, by using the federal write-in ballot as provided in 13-13-271(3).~~

~~(3)~~(2) (a) If an elector requests an absentee ballot because of a sudden illness or health emergency, the application for an absentee ballot may be made by written request signed by the elector at the time that the ballot is delivered in person by the special absentee election board provided for in 13-13-225.

(b) The elector may request by telephone, facsimile transmission, or other means to have a ballot and application personally delivered by the special absentee election board at the elector's place of confinement, hospitalization, or residence within the county.

(c) A request under this subsection ~~(3)~~ (2) must be received by the election administrator by noon on election day.

~~(4)~~(3) An elector who has made a request for an absentee ballot by one of the methods provided in this section may, in the event of the death of a candidate after the primary election but before the general election, make a request for a replacement ballot. The request for a replacement ballot may be made orally to the election administrator.”

Approved May 5, 2003

CHAPTER NO. 558

[HB 206]

AN ACT INCREASING AND CHANGING THE DISPOSITION OF FEES FOR DRIVER'S LICENSES AND DUPLICATE LICENSES; REQUIRING A BIENNIAL REPORT TO THE LEGISLATIVE FINANCE COMMITTEE; AMENDING SECTIONS 61-5-111, 61-5-114, AND 61-5-121, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 61-5-111, MCA, is amended to read:

“61-5-111. Contents of a driver's license, renewal, renewal by mail, license expirations, grace period, and fees for licenses, permits, and

endorsements — notice of expiration. (1) The department may appoint county treasurers and other qualified officers to act as its agents for the sale of driver's licenses receipts. ~~and The department shall make adopt~~ necessary rules governing sales. In areas in which the department provides driver licensing services 3 days or more a week, the department is responsible for sale of receipts and may, ~~in its discretion~~, appoint an agent to sell receipts.

(2) (a) The department, upon receipt of payment of the fees specified in this section, shall issue a driver's license to each qualifying applicant. The license must contain:

(i) a full-face photograph of the licensee in the size and form prescribed by the department;

(ii) a distinguishing number issued to the licensee;

(iii) the full legal name, date of birth, Montana mailing address, and a brief description of the licensee; and

(iv) either the licensee's customary signature or a digital reproduction of the licensee's customary signature.

(b) The department may not use the licensee's social security number as the distinguishing number unless the licensee expressly authorizes the use. A license is not valid until it is signed by the licensee.

(3) (a) When a person applies for renewal of a driver's license, the department shall conduct a records check in accordance with 61-5-110(1) to determine the applicant's eligibility status and shall test the applicant's eyesight. The department may also require the applicant to submit to a knowledge and skills test if:

(i) the renewal applicant has a physical or mental disability, limitation, or condition that impairs, or may impair, the applicant's ability to exercise ordinary and reasonable control in the safe operation of a motor vehicle on the highway; and

(ii) the expired or expiring license does not include adaptive equipment or operational restrictions appropriate to the applicant's functional abilities; or

(iii) the applicant wants to remove or modify the restrictions stated on the expired or expiring license.

(b) In the case of a commercial driver's license, the department may also require that the applicant successfully complete a written examination as required by federal regulations.

(c) A person is considered to have applied for renewal of a Montana driver's license if the application is made within 6 months before or 3 months after the expiration of the person's license. Except as provided in subsection (3)(d), a person seeking to renew a driver's license shall appear in person at a Montana driver's examination station.

(d) (i) A person may renew a driver's license by mail if the person certifies that the person is temporarily out of state and will not be returning to the state prior to the expiration of the license.

(ii) An applicant who renews a driver's license by mail shall submit to the department an approved vision examination and a medical evaluation from a licensed physician in addition to the fees required for renewal.

(iii) If the department does not have a digitized photograph or signature record of the renewal applicant from the expiring license, then the department

may require the renewal applicant to submit a personal photograph and signature that meets the requirements prescribed by the department.

(iv) The term of a license renewed by mail is 4 years, and a person may not renew by mail for consecutive license terms.

(v) The department may not renew a license by mail if the records check conducted in accordance with 61-5-110(1) shows an ineligible license status for the applicant.

(e) The department shall mail a driver's license renewal notice no earlier than 60 days and no later than 30 days prior to the expiration date of a commercial driver's license if the licensee has previously submitted a written request for the notice, either at the time of initial application or of renewal of the license.

(4) (a) Except as provided in subsections (4)(b) and (4)(c), a license expires on the anniversary of the licensee's birthday 8 years or less after the date of issue or on the licensee's 75th birthday, whichever occurs first.

(b) A license issued to a person who is 75 years of age or older expires on the anniversary of the licensee's birthday 4 years or less after the date of issue.

(c) A license issued to a person who is under 21 years of age expires on the licensee's 21st birthday.

(5) Whenever the department issues an original license to a person under the age of 18 years, the license must be designated and clearly marked as a "provisional license". Any license designated and marked as provisional may be suspended by the department for a period of not more than 12 months when its records disclose that the licensee, subsequent to the issuance of the license, has been guilty of careless or negligent driving.

(6) Fees for driver's licenses are:

(a) driver's license, except a commercial driver's license — ~~\$4~~ \$5 a year or fraction of a year;

(b) motorcycle endorsement — 50 cents a year or fraction of a year;

(c) commercial driver's license:

(i) interstate — \$5 a year or fraction of a year;

(ii) intrastate — \$3.50 a year or fraction of a year.

(7) Upon receipt of notice from another jurisdiction that a person licensed under this chapter has surrendered a Montana driver's license to that jurisdiction, the department shall change the license status on the person's official driver record to "inactive". If the person returns to Montana prior to the expiration of the previously surrendered license, the department may reactivate the license for the remainder of the license term."

Section 2. Section 61-5-114, MCA, is amended to read:

"61-5-114. Duplicate licenses. ~~In the event that~~ If an instruction permit or driver's license issued under the provisions of this chapter is lost or destroyed, the person to whom ~~the same~~ it was issued may, upon the payment of a fee of ~~\$5~~ \$10, obtain a duplicate or substitute ~~thereof~~ permit or license, upon furnishing proof satisfactory to the department that ~~such~~ the permit or license has been lost or destroyed."

Section 3. Section 61-5-121, MCA, is amended to read:

“61-5-121. Disposition of fees. (1) The disposition of the fees from driver's licenses, motorcycle endorsements, commercial driver's licenses, and duplicate driver's licenses provided for in 61-5-114 is as follows:

(a) The amount of ~~16.7%~~ 22.3% of each driver's license fee and ~~25%~~ 25% of each duplicate driver's license fee must be deposited into an account in the state special revenue fund. The department shall transfer the funds from this account to the Montana highway patrol officers' retirement pension trust fund as provided in 19-6-404. *The department shall report the amount deposited and transferred under this subsection (1)(a) to the legislative finance committee by October 31 of the year preceding each regular session of the legislature.*

(b) (i) If the fees are collected by a county treasurer or other agent of the department, the amount of 2.5% of each driver's license fee and 3.75% of each duplicate driver's license fee must be deposited into the county general fund.

(ii) If the fees are collected by the department, the amount provided for in subsection (1)(b)(i) must be deposited into the state general fund.

(c) (i) If the fee is collected by a county treasurer or other agent of the department, the amount of 3.34% of each motorcycle endorsement must be deposited into the county general fund.

(ii) If the fee is collected by the department, the amount provided for in subsection (1)(c)(i) must be deposited into the state general fund.

(d) The amount of ~~26.25%~~ 20.7% of each driver's license fee and ~~8.75%~~ 8.75% of each duplicate driver's license fee must be deposited into the state traffic education account.

(e) In addition to the amounts deposited pursuant to subsections (1)(b)(ii) and (1)(c)(ii), the amount of ~~54.55%~~ 54.5% of each driver's license fee and ~~62.5%~~ 62.5% of each duplicate driver's license fee must be deposited into the state general fund.

(f) If the fee is collected by the county treasurer or other agent of the department, the amount of 2.5% of each commercial driver's license fee must be deposited into the county general fund, otherwise all of the fee must be deposited into the state general fund.

(g) The amount of 63.46% of each motorcycle endorsement fee must be deposited into the state motorcycle safety account in the state special revenue fund, and the amount of 33.2% of each motorcycle endorsement fee must be deposited into the state general fund.

(2) (a) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by a county treasurer or other agent of the department, the county treasurer or agent shall deposit the amounts provided for in subsections (1)(b)(i) and (1)(c)(i) into the county general fund. The county treasurer or agent shall then remit to the department of revenue all remaining fees, together with a statement indicating what portion of each fee is to be deposited into the account in the state special revenue fund, as provided in subsection (1)(a), and the state general fund. The department of revenue, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a) and (1)(d) through (1)(g).

(b) If fees from driver's licenses, commercial driver's licenses, motorcycle endorsements, and duplicate driver's licenses are collected by the department, it shall remit all fees to the department of revenue, together with a statement indicating what portion of each fee is to be deposited into the account in the state

special revenue fund as provided in subsection (1)(a), the state special revenue fund, and the state general fund. The department of revenue, upon receipt of the fees and statement, shall deposit the fees as provided in subsections (1)(a), (1)(b)(ii), (1)(c)(ii), and (1)(d) through (1)(g)."

Section 4. Effective date. [This act] is effective July 1, 2003.

Approved May 5, 2003

CHAPTER NO. 559

[HB 211]

AN ACT GENERALLY REVISING THE LAWS RELATING TO ELIGIBILITY OF PRISONERS FOR PARDON AND PAROLE AND RELATING TO THE BOARD OF PARDONS AND PAROLE; ADDING TWO AUXILIARY BOARD MEMBERS; AUTHORIZING MULTIPLE BOARDS TO BE IMPANELED TO CONDUCT HEARINGS AROUND THE STATE AND TO MAKE PAROLE DECISIONS; AUTHORIZING THE BOARD TO ISSUE UP TO TWO 10-DAY FURLOUGHS; CLARIFYING FROM WHICH CORRECTIONAL FACILITIES AND PROGRAMS THE BOARD CAN GRANT PAROLE; REVISING THE CONDUCT OF HEARINGS; REQUIRING AN INTERIM REPORT ON DISPOSITION OF NATIVE AMERICAN PAROLE APPLICATIONS; AMENDING SECTIONS 2-15-2302, 46-23-103, 46-23-104, 46-23-109, 46-23-201, 46-23-202, 46-23-215, 46-23-216, 46-23-218, 46-23-1025, AND 46-24-212, MCA; REPEALING SECTION 46-23-107, MCA; AND PROVIDING EFFECTIVE DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-15-2302, MCA, is amended to read:

"2-15-2302. Board of pardons and parole — composition — allocation — quasi-judicial. (1) There is a board of pardons and parole.

(2) The board consists of three members and ~~two~~ four auxiliary members, ~~at least one~~ each of whom must have ~~particular~~ knowledge of American Indian culture and problems *gained through training as required by rules adopted by the board*. Members of the board, including the auxiliary members, must possess academic training that has qualified them for professional practice in a field such as criminology, education, psychiatry, psychology, law, social work, sociology, or guidance and counseling. Related work experience in the areas listed may be substituted for these educational requirements.

(3) An auxiliary member shall attend any meeting that a regular board member is unable to attend, and at that time, the auxiliary member has all the rights and responsibilities of a regular board member.

(4) Board members and auxiliary members shall serve staggered 4-year terms. The governor shall appoint one member and ~~one~~ two auxiliary ~~member~~ members in January of the first year of the governor's term, one member and one auxiliary member in January of the second year of the governor's term, and one member and one auxiliary member in January of the third year of the governor's term.

(5) The terms of board members and auxiliary members run with the position, and if a vacancy occurs, the governor shall appoint a person to fill the unexpired portion of the term.

(6) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121. However, the board may hire its own personnel, and 2-15-121(2)(d) does not apply.

(7) The board, including the auxiliary members, is designated as a quasi-judicial board for purposes of 2-15-124, except board members must be compensated as provided by legislative appropriation and the terms of board members must be staggered as provided in subsection (4).

(8) The provisions of 2-15-124(2) do not apply to the board."

Section 2. Section 46-23-103, MCA, is amended to read:

"46-23-103. Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Board" means the board of pardons and parole provided for in 2-15-2302.

(2) "Department" means the department of corrections provided for in 2-15-2301.

(3) "Executive clemency" refers to the powers of the governor as provided by section 12 of Article VI of the constitution of Montana.

~~(4) "Initial appearance" means the prisoner's first appearance before the board during the prisoner's current term of incarceration.~~

(4) "*Hearing panel*" means a panel made up of at least two board members appointed by the board to conduct parole hearings.

(5) "Parole" means the release to the community of a prisoner by the decision of ~~the board~~ a *hearing panel* prior to the expiration of the prisoner's term, subject to conditions imposed by the ~~board~~ *hearing panel* and subject to supervision of the department.

(6) "*Victim*" means a victim as defined in 46-18-243."

Section 3. Section 46-23-104, MCA, is amended to read:

"46-23-104. Board of pardons and parole. (1) The board of pardons and parole is responsible for executive clemency and parole as provided in this chapter.

(2) The board shall meet monthly *at a place determined by the board*, and at other times *and places* that the board considers necessary, ~~at the state prison~~.

(3) The principal office of the board is in Deer Lodge.

~~(4) The board may designate one of its members, one of its staff members, or any other adult correctional releasing authority to conduct interviews relative to:~~

~~(a) parole eligibility;~~

~~(b) plans for release on parole; or~~

~~(c) revocation hearings.~~

~~(5) If the offense was committed prior to March 20, 1989, the board may not designate one of its staff members or any other adult correctional releasing authority to preside over an initial appearance or hearing under 46-23-202, and the initial appearance and hearing must be before at least one member of the board.~~

(4) *The board shall appoint hearing panels to conduct parole hearings and to issue a final decision concerning parole. If the two board members of the hearing panel are unable to reach a unanimous decision, the presiding officer of the*

board shall convene a panel of three board members as soon as is practicable to rehear the case. The hearing panels have the full authority and power of the board to order the denial, grant, or revocation of parole."

Section 4. Section 46-23-109, MCA, is amended to read:

~~"46-23-109. Parole and revocation hearings and administrative reviews and administrative reviews — telephone — videoconference.~~ The board ~~and the board's hearing panel may, in its discretion,~~ hold any parole hearing ~~or revocation hearing~~ via interactive videoconference ~~and may hold an administrative review via~~ and may hold an administrative review via telephone conference."

Section 5. Section 46-23-201, MCA, is amended to read:

~~"46-23-201. Prisoners eligible for nonmedical parole.~~ (1) Subject to the restrictions contained in subsections (2) through ~~(4)~~ (5), the board may release on nonmedical parole by appropriate order any person ~~who is confined in a state prison, except persons under sentence of death and persons serving sentences imposed under 46-18-202(2) or 46-18-219, or the state hospital or any person who is sentenced to the state prison and confined in a prerelease center when in its opinion there is reasonable probability that the prisoner can be released without detriment to the prisoner or to the community.~~

(2) Persons under sentence of death, persons sentenced to the department who have been placed by the department in a state prison temporarily for assessment or sanctioning, and persons serving sentences imposed under 46-18-202(2) or 46-18-219 may not be paroled.

~~(2)~~(3) A prisoner serving a time sentence may not be paroled under this section until the prisoner has served at least one-fourth of the prisoner's full term.

~~(3)~~(4) A prisoner serving a life sentence may not be paroled under this section until the prisoner has served 30 years.

~~(4)~~(5) A parole may be ordered under this section only for the best interests of society and not as an award of clemency or a reduction of sentence or pardon. A prisoner may be placed on parole only when the board believes that the prisoner is able and willing to fulfill the obligations of a law-abiding citizen."

Section 6. Section 46-23-202, MCA, is amended to read:

~~"46-23-202. Investigation of prisoner by board or board's designee Initial parole hearing — conduct of hearing.~~ ~~(1)~~ Within the 2 months prior to a prisoner's official parole eligibility date or as soon after that date as possible, the ~~prisoner department shall make an initial appearance before the board or the board's designee as provided for in 46-23-104(4), except that if the offense was committed prior to March 20, 1989, the initial appearance must be before at least one member of the board. The board~~ the prisoner available for a hearing before a hearing panel. The hearing panel shall consider all available and pertinent information regarding the prisoner, including:

~~(a)~~(1) the circumstances of the offense;

~~(b)~~(2) the prisoner's previous social history and criminal record;

~~(c)~~(3) the prisoner's conduct, employment, and attitude in prison; ~~and~~

~~(d)~~(4) the reports of any physical and mental examinations that have been made; and

(5) written or oral statements from any interested person or the interested person's legal representative, including written or oral statements from a victim

regarding the effects of the crime on the victim. A victim's statement may also include but is not limited to the circumstances surrounding the crime, the manner in which the crime was committed, and the victim's opinion as to whether the prisoner should be paroled. The victim's statement may be kept confidential.

~~(2) Before a prisoner may be paroled, the board or its designee shall:~~

~~(a) conduct a hearing and interview the prisoner, except that if the offense was committed prior to March 20, 1989, the hearing must be before at least one member of the board. At the time of the hearing, the board or its designee must receive relevant statements from interested persons and any person may be represented by counsel. The board has the power to regulate procedures at all hearings.~~

~~(b) permit a victim to present a statement concerning the effects of the crime on the victim, the circumstances surrounding the crime, the manner in which the crime was perpetrated, and the victim's opinion regarding whether the prisoner should be paroled. In the board's discretion, the victim's statement may be kept confidential. The board shall consider the victim's statement, along with the information provided under subsection (1), in determining whether to grant parole."~~

Section 7. Section 46-23-215, MCA, is amended to read:

"46-23-215. Conditions of parole. (1) A prisoner while on parole remains in the legal custody of the department but is subject to the orders of the board.

(2) When a hearing panel issues an order for parole ~~is issued, it~~ the order must recite the conditions of parole. If restitution was imposed as part of the sentence under 46-18-201, the order of parole must contain a condition to pay restitution to the victim. The prisoner may not be paroled until the prisoner provides a biological sample for purposes of Title 44, chapter 6, part 1, if the prisoner has not already done so under 44-6-103 and if the prisoner was convicted of, or was found under 41-5-1502 to have committed, a sexual offense or violent offense as defined in 46-23-502. An order for parole or any parole agreement signed by a prisoner may contain a clause waiving extradition.

(3) ~~Whenever a hearing panel grants a parole to a prisoner in a state prison has been approved for parole~~ on the condition that the prisoner obtain employment or secure suitable living arrangements or on any other condition that is difficult to fulfill while incarcerated, the ~~department~~ hearing panel may grant the prisoner a furlough, not to exceed ~~10 days~~ two 10-day periods, for purposes of fulfilling the condition. While on furlough, the prisoner remains in the legal custody of the department and is subject to all other conditions recited by the ~~board~~ hearing panel."

Section 8. Section 46-23-216, MCA, is amended to read:

"46-23-216. Duration of parole. (1) A prisoner on parole is considered released on parole until the expiration of the maximum term or terms for which the prisoner was sentenced.

(2) The period served on parole ~~or conditional release~~ must be considered service of the term of imprisonment, and subject to the provisions contained in 46-23-1023 through 46-23-1026 relating to a prisoner who is a fugitive from or has fled from justice, the total time served may not exceed the maximum term or sentence. When a prisoner on parole ~~or conditional release~~ has performed the obligations of the release, the board shall make a final order or discharge and issue a certificate of discharge to the prisoner."

Section 9. Section 46-23-218, MCA, is amended to read:

“46-23-218. Authority of board to adopt rules—purpose for training.

(1) The board may adopt any rules that it considers proper or necessary with respect to the eligibility of prisoners for parole, the conduct of parole and parole revocation hearings, ~~video~~ videoconference hearings, telephone conference administrative reviews, progress reviews, ~~the conduct of revocation proceedings,~~ clemency proceedings, and the conditions to be imposed upon parolees, ~~the training of board members and auxiliary members regarding American Indian culture and problems, and other matters pertinent to service on the board.~~

(2) *The legislature finds that American Indians incarcerated in state prisons constitute a disproportionate percentage of the total inmate population when compared to the American Indian population percentage of the total state population. The training of board members regarding American Indian culture and problems is necessary in order for the board to deal appropriately with American Indian inmates appearing before the board.”*

Section 10. Section 46-23-1025, MCA, is amended to read:

“46-23-1025. Report to and action by board. (1) If the hearings officer determines that there is probable cause to believe that the prisoner has violated a condition of parole, the probation and parole officer shall immediately notify the board and shall submit in writing a report showing in what manner the prisoner has violated the conditions of release. This report must be accompanied by the findings of the hearings officer.

(2) Upon receipt of a report, the board shall cause the prisoner to be promptly brought before ~~it a hearing panel~~ for a hearing on the violation charged under rules that the board may adopt. If the violation is established, ~~the board hearing panel~~ may continue or revoke the parole ~~or conditional release~~ or may enter an order as it sees fit.

(3) If the prisoner has violated a condition of release requiring the payment of restitution, the board shall notify the victim of the offense prior to the hearing required by subsection (2) and give the victim an opportunity to be heard. If the ~~board hearing panel~~ finds that ~~due to~~ because of circumstances beyond the prisoner's control, the prisoner is unable to make the required restitution payments, the ~~board hearing panel~~ may not revoke the prisoner's parole for failure to pay restitution. The ~~board hearing panel~~ may modify the time or method of making restitution and may extend the restitution schedule, but the schedule may not be extended beyond the period of state supervision over the prisoner.

(4) ~~If it appears~~ *the hearing panel determines* that the prisoner has violated the provisions of release, the ~~board hearing panel~~ shall determine whether the time from the issuing of the warrant to the date of the prisoner's ~~arrest~~ *return to the custody of Montana law enforcement, the department, or the department's agent* or any part of ~~it~~ *the time* will be counted as time served under the sentence.”

Section 11. Section 46-24-212, MCA, is amended to read:

“46-24-212. Information concerning confinement. Upon request of a victim of a felony offense, the department of corrections or the board of pardons and parole, as applicable, shall:

(1) promptly inform the victim of the following information concerning a prisoner committing the offense:

- (a) the custody level;
- (b) the projected discharge or parole eligibility date;
- (c) the actual date of the prisoner's discharge from confinement or parole, if reasonably ascertainable;
- (d) the time and place of a parole hearing concerning the prisoner and of the victim's right to submit a statement to the board of pardons and parole *or the hearing panel conducting a parole hearing* under 46-23-202; and
- (e) the community in which the prisoner will reside after parole;
- (2) provide reasonable advance notice to the victim before release of the defendant on furlough or to a work-release program, halfway house, or other community-based program or correctional facility; and
- (3) promptly inform the victim of the occurrence of any of the following events concerning the prisoner:
 - (a) an escape from a correctional or mental health facility or community program;
 - (b) a recapture;
 - (c) a decision of the board of pardons and parole;
 - (d) a decision of the governor to commute the sentence or to grant executive clemency;
 - (e) a release from confinement and any conditions attached to the release; and
 - (f) the prisoner's death."

Section 12. Repealer. Section 46-23-107, MCA, is repealed.

Section 13. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 14. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 15. Transition. The governor shall appoint the two auxiliary members, whose positions are created by [this act], on or before July 1, 2003. One new auxiliary member must be appointed to a term ending in January 2005, and one new auxiliary member must be appointed to a term ending in January 2006.

Section 16. Interim report. During the biennium beginning July 1, 2003, the board of pardons and parole shall report to the law and justice interim committee of the legislature on the disposition of parole applications made by Native Americans, including the reasons for approval or denial of parole, during the period of January 1, 1999, through March 31, 2004. The report must be made before July 1, 2004, and must be included in the board's biennial report.

Section 17. Effective dates. (1) Except as provided in subsection (2), [this act] is effective July 1, 2003.

(2) [Section 15 and this section] are effective on passage and approval.

Approved May 5, 2003

CHAPTER NO. 560

[HB 218]

AN ACT REQUIRING THAT THE OWNER OF HIGH-LEVEL RADIOACTIVE WASTE OR TRANSURANIC WASTE PAY FEES, SUBMIT A SAFETY PLAN, AND OBTAIN A PERMIT BEFORE SHIPPING THE WASTE THROUGH MONTANA; DEFINING TERMS; CREATING THE RADIOACTIVE WASTE TRANSPORTATION MONITORING, EMERGENCY RESPONSE, AND TRAINING ACCOUNT IN THE STATE SPECIAL REVENUE FUND; SPECIFYING HOW MONEY IN THE ACCOUNT MUST BE USED; REQUIRING THAT INITIAL NOTICE OF SHIPMENTS BE PROVIDED TO THE DISASTER AND EMERGENCY SERVICES DIVISION OF THE DEPARTMENT OF MILITARY AFFAIRS AND TO THE DEPARTMENT OF TRANSPORTATION; REQUIRING THAT THE DISASTER AND EMERGENCY SERVICES DIVISION NOTIFY CERTAIN OTHER AGENCIES AND PERSONS WHEN IT IS INFORMED THAT WASTE WILL BE ROUTED THROUGH MONTANA; PROVIDING RESPONSIBILITIES FOR OWNERS; REQUIRING THE DEPARTMENT OF TRANSPORTATION TO COLLECT THE FEES AND ISSUE PERMITS; REQUIRING INSPECTIONS; REQUIRING THAT THE PERMIT REMAIN WITH THE TRANSPORTER OF WASTE AS IT TRAVELS THROUGH THE STATE; REQUIRING THE HIGHWAY PATROL TO MONITOR OR ESCORT MOTOR CARRIERS THAT ARE CARRYING THE WASTE; PROVIDING FOR THE COORDINATION OF INSPECTIONS OF MOTOR CARRIERS; ALLOWING THE HIGHWAY PATROL TO BE REIMBURSED FOR COSTS INCURRED IN MONITORING OR ESCORTING THE MOTOR CARRIERS; SPECIFYING THAT THE PUBLIC SERVICE COMMISSION IS RESPONSIBLE FOR INSPECTING RAILS OR TRAINS THAT WILL BE INVOLVED IN CARRYING THE WASTE; PROVIDING CERTAIN RECOMMENDATIONS FOR TRANSPORT OF THE WASTE; ALLOWING THE PUBLIC SERVICE COMMISSION TO ENTER INTO RECIPROCAL AGREEMENTS WITH ADJACENT STATES AND CANADIAN PROVINCES FOR INSPECTION; REQUIRING THE PUBLIC SERVICE COMMISSION TO ESTABLISH RULES FOR CARRYING OUT THESE PROVISIONS; ASSIGNING LIABILITY; PROVIDING A PENALTY; AND PROVIDING A DELAYED EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Short title. [Sections 1 through 10] may be cited as the “Montana High-Level Radioactive Waste and Transuranic Waste Transportation Act”.

Section 2. Purpose. The purpose of [sections 1 through 10] is to enhance the safety of Montana's citizens by requiring a special permit, inspections, and monitoring of shipments of high-level radioactive waste and transuranic waste that travel through Montana by motor carrier or railroad.

Section 3. Definitions. As used in [sections 1 through 10], the following definitions apply:

(1) “High-level radioactive waste” means:

(a) the highly radioactive material resulting from the reprocessing of spent nuclear fuel, including liquid waste produced directly in reprocessing and any

solid material derived from the liquid waste that contains fission products in sufficient concentrations;

(b) irradiated reactor fuel; or

(c) other highly radioactive waste material that the U.S. nuclear regulatory commission has determined by rule requires permanent isolation.

(2) "Spent nuclear fuel" means fuel that has been withdrawn from a nuclear reactor following irradiation, the constituent elements of which have not been separated by reprocessing.

(3) "Transuranic waste" means material contaminated with elements that have an atomic number greater than 92, including neptunium, plutonium, americium, and curium, and that are in concentrations greater than 10 nanocuries per gram or in other concentrations that the U.S. nuclear regulatory commission may prescribe.

Section 4. Radioactive waste transportation monitoring, emergency response, and training account—purpose—disbursement.

(1) There is an account in the state special revenue fund to be known as the radioactive waste transportation monitoring, emergency response, and training account administered by the disaster and emergency services division of the department of military affairs.

(2) The money deposited into this account by the department of transportation pursuant to [section 7] may be used only for the following purposes:

(a) to reimburse the highway patrol for expenses incurred in monitoring or providing escorts for motor carriers transporting high-level radioactive waste or transuranic waste through the state;

(b) to provide funding for training local emergency response personnel in handling radioactive waste accidents, spills, and other related emergencies; and

(c) to reimburse local emergency response entities for costs incurred in the event that an accident, spill, or other related emergency occurs.

(3) Prior to rulemaking provided for under [section 9(3)], the disaster and emergency services division of the department of military affairs shall coordinate with the public service commission and the department of transportation to provide to an appropriate legislative interim committee prior to the 59th legislature a plan that prioritizes prospective disbursement of money in the account described in subsection (1).

Section 5. Responsibilities of owner. (1) Prior to shipping high-level radioactive waste or transuranic waste through the state, an owner and the originating shipper if not the owner shall provide to the transporter and to the disaster and emergency services division, within limits set by the regulating federal authority:

(a) a shipment description, including type of waste;

(b) a safety plan, which must be submitted to the disaster and emergency services division and which must include:

(i) the specifications of casks being used to transport the radioactive waste, including how the casks have been tested and certified;

(ii) proof of training of an owner's escorts for emergency situations, including accidents;

- (iii) the intended route;
- (iv) all safety precautions to be taken to prevent an accident; and
- (v) emergency plans for threats to safety;

(c) proof of insurance or an indemnity bond. If the owner and the originating shipper if not the owner is covered by a federal insurance program for the transport of radioactive material, proof of coverage by that program is sufficient. If a federal insurance program does not cover the owner, the owner shall provide proof of a bond or indemnity insurance coverage as required by the regulating federal authority.

(d) proof of a radiotelephone or other working, two-way voice communications device approved by the nuclear regulatory commission for the main transporter and for each escort vehicle.

(2) An owner or the originating shipper if not the owner may not transport through the state any high-level radioactive waste or transuranic waste that is not properly sealed in a cask approved by the regulating federal authority.

Section 6. Transportation of radioactive waste through state — notification — responsibilities of division. (1) A person or entity may not ship high-level radioactive waste or transuranic waste through the state by rail or motor carrier unless the person or entity first notifies the disaster and emergency services division and the department of transportation, pays the appropriate fees, and obtains a permit.

(2) Upon receiving the notification required under subsection (1), the disaster and emergency services division shall notify the highway patrol, the public service commission, or other agencies as appropriate.

(3) The disaster and emergency services division shall reimburse the highway patrol for expenses incurred in monitoring or escorting motor carriers, as provided in [section 8], from money collected in the radioactive waste transportation monitoring, emergency response, and training account created in [section 4].

Section 7. Responsibilities of department of transportation — assessment and collection of fees — issuance of permits — inspection of motor carriers. (1) After receiving notification from the person or entity that plans to ship high-level radioactive waste or transuranic waste through the state, the department of transportation shall assess fees according to the following schedule:

(a) a fee of \$2,500 must be assessed for each cask designed for transport by truck; and

(b) a fee of \$4,500 must be assessed for the first cask designed for transport by rail and a fee of \$3,000 for each additional cask designed for transport by rail that is shipped by the same person or entity in the same shipment.

(2) Payment of the fees provided in subsection (1) is the responsibility of the person or entity who owns the waste.

(3) Upon receipt of the fees provided in subsection (1), the department of transportation shall issue to the owner of the waste a permit that must be carried with the waste as it is traveling through the state.

(4) The department of transportation shall deposit all of the fees collected under this section in the radioactive waste transportation monitoring, emergency response, and training account created in [section 4].

(5) If the waste is to be transported through the state by motor carrier, the department of transportation shall coordinate with the highway patrol on the inspection of the motor carrier by the motor carrier services division.

(6) This section does not exempt the operator of a motor carrier from any of the provisions of Title 61, chapter 10, from Title 69, chapter 12, or from any other law that applies to the operation of motor vehicles in Montana.

(7) Fees under this section must be assessed regardless of ownership, and 61-3-321(5) and 61-10-127 do not apply.

Section 8. Responsibilities of highway patrol — monitoring of motor carriers — billing. (1) After receiving notification from the disaster and emergency services division that a motor carrier will be transporting high-level radioactive waste or transuranic waste through the state, the highway patrol shall establish a plan for monitoring the shipment.

(2) Monitoring a shipment by motor carrier may include escorting the vehicle through the state, establishing checkpoints, shadowing the vehicle, electronically following the vehicle's movements, or any other method determined by the highway patrol to be effective and safe.

(3) The highway patrol shall coordinate inspection of the motor carrier with the department of transportation's motor carrier services division.

(4) The highway patrol shall determine the cost that it has incurred in monitoring each motor carrier and shall submit a bill for reimbursement to the disaster and emergency services division for payment out of the account established in [section 4(1)] according to the priorities established in [section 4(3)].

(5) The routing of the transport by motor carrier of high-level radioactive waste and transuranic waste must be determined by the department of transportation and the appropriate regulating federal authority.

Section 9. Responsibilities of public service commission — inspection of rails and trains — agreements with neighboring states and provinces — rulemaking. (1) After receiving notification from the disaster and emergency services division that high-level radioactive waste or transuranic waste will be shipped by railroad through the state, the public service commission shall establish a plan for inspecting the rails and the trains, as authorized in Title 69, chapter 14, part 2, that will be involved in the transportation of the waste. The plan must include but is not limited to:

(a) coordination with the federal railroad administration on track and rolling stock inspections;

(b) inspection and approval by a federally certified inspector no later than 1 week prior to shipment; and

(c) a requirement that trains carrying radioactive waste or transuranic waste may not travel at greater than the speed required by federal regulations.

(2) The public service commission may enter into reciprocal agreements with adjacent states and bordering Canadian provinces that Montana's inspectors may inspect trains while they are stopped in those states or provinces before they cross the Montana border.

(3) The public service commission shall, in cooperation with the department of transportation, the disaster and emergency services division, and the

highway patrol, establish rules to carry out the provisions of [sections 1 through 10]. The rules must address:

- (a) the process by which local authorities will be notified when a motor carrier or a train carrying high-level radioactive waste or transuranic waste is approaching their jurisdictions;
- (b) which local authorities will receive notification;
- (c) the process by which local governments and local emergency response entities may apply for and receive training and reimbursement money from the radioactive waste transportation monitoring, emergency response, and training account, as provided in [section 4];
- (d) the criteria for qualifying to receive money from the account;
- (e) acceptable means for monitoring a train that is carrying high-level radioactive waste or transuranic waste; and
- (f) other processes or procedures that the public service commission, the department of transportation, the disaster and emergency services division, and the highway patrol determine are necessary to efficiently carry out the provisions of [sections 1 through 10] and to ensure the safe transportation of high-level radioactive waste or transuranic waste through Montana.

Section 10. Penalty. An owner found to be in violation of the provisions of [sections 5 through 9] shall be fined an amount of not more than \$100,000 for each violation. In the case of an accidental spill of a cask containing transuranic waste or leakage of high-level radioactive waste, the penalty is in addition to any other liability. The department of justice is responsible for imposing and determining the amount of a fine.

Section 11. Codification instruction. [Sections 1 through 10] are intended to be codified as an integral part of Title 10, chapter 3, and the provisions of Title 10, chapter 3, apply to [sections 1 through 10].

Section 12. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 13. Effective date. [This act] is effective January 1, 2004.

Approved May 5, 2003

CHAPTER NO. 561

[HB 247]

AN ACT PROHIBITING LOCAL GOVERNMENTS FROM ENACTING ORDINANCES CONCERNING VAGRANCY; CLARIFYING THAT VAGRANCY DOES NOT INCLUDE AGGRESSIVE SOLICITATION THAT IS INCLUDED IN THE OFFENSE OF DISORDERLY CONDUCT; REMOVING EXISTING STATUTORY PROVISIONS CONCERNING VAGRANCY; AMENDING SECTIONS 7-1-111, 7-21-3322, 7-32-4304, AND 53-21-138, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 7-1-111, MCA, is amended to read:

“7-1-111. Powers denied. A local government unit with self-government powers is prohibited from exercising the following:

(1) any power that applies to or affects any private or civil relationship, except as an incident to the exercise of an independent self-government power;

(2) any power that applies to or affects the provisions of 7-33-4128 or Title 39 (labor, collective bargaining for public employees, unemployment compensation, or workers' compensation), except that subject to those provisions, it may exercise any power of a public employer with regard to its employees;

(3) any power that applies to or affects the public school system, except that a local unit may impose an assessment reasonably related to the cost of any service or special benefit provided by the unit and shall exercise any power that it is required by law to exercise regarding the public school system;

(4) any power that prohibits the grant or denial of a certificate of public convenience and necessity;

(5) any power that establishes a rate or price otherwise determined by a state agency;

(6) any power that applies to or affects any determination of the department of environmental quality with regard to any mining plan, permit, or contract;

(7) any power that applies to or affects any determination by the department of environmental quality with regard to a certificate of environmental compatibility and public need;

(8) any power that defines as an offense conduct made criminal by state statute, that defines an offense as a felony, or that fixes the penalty or sentence for a misdemeanor in excess of a fine of \$500, 6 months' imprisonment, or both, except as specifically authorized by statute;

(9) any power that applies to or affects the right to keep or bear arms, except that a local government has the power to regulate the carrying of concealed weapons;

(10) any power that applies to or affects a public employee's pension or retirement rights as established by state law, except that a local government may establish additional pension or retirement systems;

(11) any power that applies to or affects the standards of professional or occupational competence established pursuant to Title 37 (professions and occupations) as prerequisites to the carrying on of a profession or occupation;

(12) any power that applies to or affects Title 75, chapter 7, part 1 (streambeds), or Title 87 (fish and wildlife); ~~and~~

(13) any power that applies to or affects landlords, as defined in 70-24-103, when that power is intended to license landlords or to regulate their activities with regard to tenants beyond what is provided in Title 70, chapters 24 and 25. This subsection is not intended to restrict a local government's ability to require landlords to comply with ordinances or provisions that are applicable to all other businesses or residences within the local government's jurisdiction.

(14) *subject to 7-32-4304, any power to enact ordinances prohibiting or penalizing vagrancy.”*

Section 2. Section 7-21-3322, MCA, is amended to read:

"7-21-3322. Role of market master. (1) ~~Such~~ A county market master shall, under the supervision and approval of the board of county commissioners, make all necessary rules for the establishment, maintenance, operation, and control of the markets established ~~hereunder~~ *under this part* in the respective counties of the state.

(2) ~~It shall be the duty of such~~ *The county market master shall:*

- (a) ~~to~~ cause the market buildings, grounds, and premises to be kept reasonably clean and in proper sanitary condition;
- (b) ~~to~~ arrange for stalls and spaces ~~in such a manner as to that best suit~~ *the convenience of both buyers and sellers;*
- (c) ~~to~~ see that the laws of Montana ~~in reference~~ *relating* to weights and measures are enforced and observed;
- (d) ~~to~~ cause order to be preserved during the time ~~such the market shall be~~ *open and in operation;*
- (e) ~~to~~ prevent and remove obstructions from the marketplace or grounds;
- (f) ~~to remove all vagrants, prevent disorderly conduct, and prevent disorderly persons from loitering and prevent disorderly persons from remaining in said~~ *market buildings, space, or grounds during the market hours;*
- (g) ~~to~~ cause all offenses against the laws of Montana ~~in relation to~~ *concerning* the inspection of foods or the sale of unclean, unwholesome, damaged, or spoiled meats, farm products, vegetables, or provisions of any kind to be prosecuted;
- (h) ~~to~~ designate proper means of supervising and accounting for the sales ~~therein made and collecting the commissions hereinafter provided for in this part; and~~
- (i) ~~to~~ generally supervise and control the operations of the public markets established under the provisions of this part."

Section 3. Section 7-32-4304, MCA, is amended to read:

"7-32-4304. Control of vagrancy and disorderly conduct. The city or town council has power to ~~define vagrancy and to~~ restrain and punish ~~vagrants, mendicants, and~~ persons guilty of disorderly conduct *and aggressive solicitation, as defined by ordinance, that is included in the offense of disorderly conduct.*"

Section 4. Section 53-21-138, MCA, is amended to read:

"53-21-138. Diversion of certain persons suffering from mental disorders from detention center. (1) The sheriff or administrator of a detention center in each county shall require screening of inmates to identify persons accused of minor misdemeanor offenses who appear to be suffering from mental disorders and who may require commitment, as defined in 53-21-102.

(2) If as a result of screening and observation it is believed that an inmate is suffering from a mental disorder and may require commitment, the sheriff or administrator of the detention center shall:

- (a) request services from a crisis intervention program established by the department, as provided for in 53-21-139;
- (b) refer the inmate to the nearest community mental health center, as defined in 53-21-201; or

(c) transfer the inmate to a private mental health facility or hospital equipped to provide treatment and care of persons who are suffering from a mental disorder and who require commitment.

(3) As used in this section, the term "minor misdemeanor offense" includes but is not limited to a nonserious misdemeanor, such as criminal trespass to property, loitering, ~~vagrancy~~, disorderly conduct, and disturbing the public peace.

(4) A person intoxicated by drugs or alcohol who is accused of a minor misdemeanor offense may be detained in a jail until the level of intoxication is reduced to the point that screening for a mental disorder and the need for commitment can be performed."

Section 5. Effective date. [This act] is effective on passage and approval.

Section 6. Retroactive applicability. [Sections 1 and 3] apply retroactively, within the meaning of 1-2-109, to ordinances enacted prior to [the effective date of this act].

Approved May 5, 2003

CHAPTER NO. 562

[HB 261]

AN ACT INCREASING THE DEBT LIMIT UNDER THE MUNICIPAL FINANCE CONSOLIDATION ACT; INCREASING THE LOAN TO THE DEPARTMENT OF JUSTICE FOR THE MOTOR VEHICLE INFORMATION TECHNOLOGY SYSTEM FROM \$4.5 MILLION TO \$22.5 MILLION; TEMPORARILY INCREASING THE FEE FOR ISSUANCE OF A CERTIFICATE OF OWNERSHIP FOR A MOTORBOAT OR SAILBOAT, A SNOWMOBILE, AN OFF-HIGHWAY VEHICLE, AND A MOTOR VEHICLE BY \$5; TEMPORARILY IMPOSING A \$10 FEE ON THE ISSUANCE OF A NEW CERTIFICATE OF TITLE; TEMPORARILY INCREASING THE FEE FOR OBTAINING A DUPLICATE CERTIFICATE OF OWNERSHIP; REQUIRING THE DEPOSIT OF THE NEW AND INCREASED FEES IN THE MOTOR VEHICLE INFORMATION TECHNOLOGY SYSTEM ACCOUNT FOR PURPOSES OF REPAYING THE LOAN; AMENDING SECTIONS 17-5-1608, 17-5-2001, 23-2-508, 23-2-611, 23-2-811, 61-3-103, 61-3-203, 61-3-204, AND 61-3-550, MCA, AND SECTIONS 5 AND 9, CHAPTER 394, LAWS OF 2001; AND PROVIDING AN EFFECTIVE DATE, A TERMINATION DATE, AND A RETROACTIVE APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 17-5-1608, MCA, is amended to read:

"17-5-1608. (Temporary) Limitations on amounts. The board may not issue any bonds or notes that cause the total outstanding indebtedness of the board under this part, except for bonds or notes issued to fund or refund other outstanding bonds or notes or to purchase registered warrants or tax or revenue anticipation notes of a local government as defined in 7-6-1101, to exceed ~~\$80~~ \$100 million. (Terminates June 30, ~~2011~~ 2013—sec. 9, Ch. 394, L. 2001.)

17-5-1608. (Effective July 1, 2011 2013) Limitations on amounts. The board may not issue any bonds or notes that cause the total outstanding indebtedness of the board under this part (except for bonds or notes issued to

fund or refund other outstanding bonds or notes or to purchase registered warrants or tax or revenue anticipation notes of a local government as defined in 7-6-1101) to exceed \$75 million.”

Section 2. Section 17-5-2001, MCA, is amended to read:

“17-5-2001. (Temporary) Loans to state agencies. (1) An agency responsible for the procurement and provision of vehicles, automated systems, and equipment using an enterprise fund or an internal service fund, as described in 17-2-102, is authorized to enter into contracts, loan agreements, or other forms of indebtedness payable over a term not to exceed 7 years for the purpose of financing the cost of the vehicles and equipment and to pledge to the repayment of the indebtedness the revenue of the enterprise fund or internal service fund if:

(a) the term of the indebtedness does not exceed the useful life of the items being financed; and

(b) at the time that the indebtedness is incurred, the projected revenue of the fund, based on the fees and charges approved by the legislature and other available fund revenue, will be sufficient to repay the indebtedness over the proposed term and to maintain the operation of the enterprise.

(2) (a) The department of justice is authorized to enter into contracts, loan agreements, or other forms of indebtedness with the board of investments for an amount not to exceed ~~\$4.5~~ \$22.5 million, payable over a term not to exceed 10 years, for financing the cost of an information technology system for the production and maintenance of motor vehicle title and registration records and driver's license records.

(b) For purposes of the financing of the motor vehicle information technology system, loans are payable from the money in the motor vehicle information technology system account as provided in 61-3-550. The term of the indebtedness may not exceed the useful life of the items being financed. At the time that the loan is made, the projected revenue of the motor vehicle information technology system account, based upon the fees approved by the legislature, must be sufficient to repay the indebtedness over the proposed term.

(3) (a) The department of justice is authorized to enter into contracts, loan agreements, or other forms of indebtedness with the board of investments for an amount not to exceed \$1,120,000, payable over a term not to exceed 7 years, for the acquisition of video gambling automated accounting and reporting system data collection units.

(b) The loan is payable from the department of justice's annual appropriation from the general fund.

(c) The term of the indebtedness may not exceed the useful life of the items being financed. At the time that the loan is made, the department of justice's base budget appropriation from the general fund must be sufficient to repay the indebtedness with respect to the video gambling data collection units over the proposed term of the loan.

(d) The loan is subject to the risk of nonappropriation. (Terminates June 30, ~~2011~~ 2013—sec. 9, Ch. 394, L. 2001.)

17-5-2001. (Effective July 1, ~~2011~~ 2013) Loans to state agencies. An agency responsible for the procurement and provision of vehicles and equipment using an enterprise fund or an internal service fund, as described in 17-2-102, is authorized to enter into contracts, loan agreements, or other forms of

indebtedness payable over a term not to exceed 7 years for the purpose of financing the cost of the vehicles and equipment and to pledge to the repayment of the indebtedness the revenue of the enterprise fund or internal service fund if:

(1) the term of the indebtedness does not exceed the useful life of the items being financed; and

(2) at the time that the indebtedness is incurred, the projected revenue of the fund, based on the fees and charges approved by the legislature and other available fund revenue, will be sufficient to repay the indebtedness over the proposed term and to maintain the operation of the enterprise.”

Section 3. Section 23-2-508, MCA, is amended to read:

“23-2-508. Certificate of ownership — filing of security interests. (1)

Except as provided in subsection (9), a motorboat or sailboat 12 feet in length or longer may not be operated upon the waters of the state unless a certificate of ownership has first been obtained from the department of justice in accordance with the laws of this state.

(2) The owner of a motorboat or sailboat 12 feet in length or longer shall apply for a certificate of ownership and a certificate of number with the county treasurer of the county in which the owner resides, upon forms furnished by the department of justice. The forms must require the following information:

- (a) name of the owner;
- (b) residence of the owner, by town or county;
- (c) business or home address of the owner;
- (d) name and address of any lienholder;
- (e) amount due under any contract or lien;
- (f) name of the manufacturer;
- (g) model number or name;
- (h) identification number;
- (i) name and address of the dealer or other person from whom acquired, if known; and
- (j) other information that the department of justice may require.

(3) The application is to be accompanied by documentation of ownership, such as an invoice, a bill of sale, a foreign title, an official certificate of boat number, a fee in lieu of tax receipt, or a certificate of ownership of a trailer purchased with the motorboat or sailboat. An applicant who fails to provide proof of ownership shall provide a certified statement describing how the motorboat or sailboat 12 feet in length or longer was acquired, from whom acquired, if known, and other information requested by the department of justice.

(4) If a certificate of ownership has previously been issued under the provisions of this part, the application for a new certificate must be accompanied by the immediately previous certificate. This subsection does not apply to motorboats or sailboats 12 feet in length or longer that are purchased as new and unused vessels or that were operated when the provisions of this part were not in force and effect.

(5) A motorboat or sailboat 12 feet in length or longer that does not have a manufacturer's or other identifying number on the motorboat or sailboat must

be assigned an identification number by the department. A fee of \$1 must be paid to the department for an assignment of number.

(6) Upon completion of the application, the county treasurer shall issue to the applicant two copies of the certificate of number application, one of which must be marked "file copy". The treasurer shall forward one copy and the original application for a certificate of ownership to the department of justice, which shall enter the information contained in the application upon the corresponding records of its office and shall furnish the applicant a certificate of ownership containing that information in the application considered necessary by the department and a permanent boat number. The certificate of ownership need not be renewed annually and is valid as long as the person holding it owns the vessel.

(7) The owner shall at all times retain possession of the certificate of ownership, except when it is being transmitted to and from the department of justice for endorsement or cancellation.

(8) Upon application for a certificate of ownership, a fee of ~~\$5~~ \$10 must be paid to the county treasurer, ~~which must be forwarded by the county treasurer to the department of justice~~ and, *of the \$10 fee, \$5 must be forwarded to the department of revenue and must be deposited in the general fund. The remaining \$5 must be forwarded to the department of justice for deposit in the motor vehicle information technology system account provided for in 61-3-550.*

(9) A person who, on July 1, 1988, is the owner of a motorboat or sailboat 12 feet in length or longer with a valid certificate of number issued by the state is not required to file an application for a certificate of ownership for the motorboat or sailboat unless the person transfers a part of the person's interest in the motorboat or sailboat or renews the certificate of number for the motorboat or sailboat.

(10) The department of justice may not file a voluntary security interest or lien unless it is accompanied by or specified in the application for a certificate of ownership of the boat encumbered. If the approved lien notice is transmitted to the department of justice, the security agreement or other lien instrument that creates the security interest must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains the name and address of the debtor and the secured party, the complete boat description, the amount of the lien, and the signature of the debtor. The department of justice shall file voluntary security interests and liens by entering the name and address of the secured party upon the face of the certificate of ownership. Involuntary liens must be filed against the record of the boat encumbered. The department of justice shall mail a statement certifying the filing of a security interest or lien to the secured party. The department of justice shall mail the certificate of ownership to the owner at the address given on the certificate; however, if the transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department of justice shall return the certificate of ownership to the county treasurer of the county in which the boat is to be registered. The owner of a boat is the person entitled to operate and possess the boat.

(11) A security interest in a boat held as inventory by a dealer must be perfected in accordance with Title 30, chapter 9A.

(12) Whenever a security interest or lien is filed against a boat that is subject to two security interests previously perfected under this section, the department of justice shall endorse on the face of the certificate of ownership:

“NOTICE. This boat is subject to additional security interest on file with the Department of Justice.” No other information regarding the additional security interests need be endorsed on the certificate.

(13) Satisfaction or statements of release filed with the department of justice under this part must be retained for a period of 8 years after receipt, after which they may be destroyed.

(14) Except as provided in subsection (15), a voluntary security interest or lien is perfected on the date the lien notice is delivered to the county treasurer. On that date, the county treasurer shall issue to the secured party a receipt evidencing the perfection. Perfection under this section constitutes constructive notice to subsequent purchasers or encumbrancers, from the date of delivery of the lien notice to the county treasurer, of the existence of the security interest.

(15) Voluntary security interests or lien filings that do not require transfer of ownership are perfected on the date the lien notice and the certificate of ownership or manufacturer's statement of origin are received by the department of justice. On that date, the department of justice shall issue to the secured party a receipt evidencing the perfection. Perfection under this subsection constitutes constructive notice to subsequent purchasers or encumbrancers, from the date the lien notice is delivered to the department of justice, of the existence of the security interest.

(16) Upon default under a chattel mortgage or conditional sales contract covering a boat, the mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment of a boat, all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable, except that deposits must be made with the department of justice.

(17) A conditional sales vendor or chattel mortgagee or assignee who fails to file a satisfaction of a chattel mortgage, assignment, or conditional sales contract within 15 days after receiving final payment is required to pay the department of justice the sum of \$1 for each day that the person fails to file the satisfaction.

(18) Upon receipt of notice of any involuntary liens or attachments against the record of any boat registered in this state, the department of justice shall within 24 hours mail to the owner, conditional sales vendor, mortgagee, or their assignee a notice showing the name and address of the lien claimant, the amount of the lien, the date of execution of the lien, and, in the case of attachment, the full title of the court, the action, and the name of the attorney for the plaintiff or the name of the attaching creditor, or both.

(19) It is not necessary to refile with the department of justice any instruments on file in the office of the county clerk and recorder on October 1, 1989.

(20) A fee of \$4 must be paid to the department of justice to file any security interest or other lien against a boat. The \$4 fee must cover the cost of filing a satisfaction or release of the security interest and the cost of entering the satisfaction or release on the records of the department of justice and deleting the endorsement of the security interest from the face of the certificate of ownership. A fee of \$4 must be paid to the department of justice for issuing a certified copy of a certificate of ownership subject to a security interest or other lien on file with the department of justice or for filing an assignment of any security interest or other lien on file with the department of justice. All fees

provided for in this section must be paid to the county treasurer for deposit in the state general fund in accordance with 15-1-504.”

Section 4. Section 23-2-611, MCA, is amended to read:

“23-2-611. Certificate of ownership — filing of security interests. (1)

A snowmobile may not be operated upon any private or public lands, trails, easements, lakes, rivers, streams, roadways or shoulders of roadways, streets, or highways unless a certificate of ownership has first been obtained from the department of justice in accordance with the laws of this state. A certificate of ownership is not required for a snowmobile purchased prior to April 16, 1993, if use of the snowmobile is restricted to private land.

(2) The owner of a snowmobile shall apply for a certificate of ownership with the county treasurer of the county in which the owner resides, upon forms to be furnished for this purpose. The forms must require the following information:

- (a) the name of the owner;
- (b) the residence of the owner, by town and county;
- (c) the business or home mailing address of the owner;
- (d) the name and address of any lienholder;
- (e) the amount due under any contract or lien;
- (f) the name of the manufacturer;
- (g) the model number or name;
- (h) the identification number; and
- (i) the name and address of the dealer or other person from whom acquired.

(3) The application must be accompanied by documentation of ownership, such as an invoice, notarized bill of sale from the immediately previous owner, foreign title, official certificate of snowmobile number, or fee in lieu of tax receipt.

(4) The application must be signed by at least one owner or by a properly authorized officer or representative of the owner.

(5) If a certificate of ownership has previously been issued under the provisions of 23-2-601 through 23-2-644, the application for a new certificate must be accompanied by the immediately previous certificate. This subsection does not apply to snowmobiles that are purchased as new and unused machines or that were operated when the provisions of 23-2-601 through 23-2-644 were not in force and effect.

(6) Upon completion of the application, on forms furnished by the department of justice, the county treasurer shall issue to the applicant two copies of the application, one of which must be marked “file copy”. The treasurer shall forward one copy and the original application to the department of justice, which shall enter the information contained in the application upon the corresponding records of its office and shall furnish the applicant with a certificate of ownership, which must contain that information in the application considered necessary by the department of justice, and a permanent ownership number. The certificate of ownership is not to be renewed annually and is valid as long as the person holding it owns the snowmobile.

(7) The owner shall at all times retain possession of the certificate of ownership, except when it is being transmitted to and from the department of justice for endorsement or cancellation.

(8) Upon application for a certificate of ownership, a fee of ~~\$5~~ \$10 must be paid to the county treasurer, ~~which must be forwarded by the county treasurer to the department of justice~~ and, of the \$10 fee, \$5 must be forwarded to the department of revenue and must be deposited in the general fund. *The remaining \$5 must be forwarded to the department of justice for deposit in the motor vehicle information technology system account provided for in 61-3-550.*

(9) The department of justice may not file a voluntary security interest or lien unless it is accompanied by or specified in the application for a certificate of ownership of the snowmobile encumbered. If the approved lien notice is transmitted to the department of justice, the security agreement or other lien instrument that creates the security interest must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains the name and address of the debtor and the secured party, the complete snowmobile description, the amount of the lien, and the signature of the debtor. The department of justice shall file voluntary security interests and liens by entering the name and address of the secured party upon the face of the certificate of ownership. Involuntary liens must be filed against the record of the snowmobile encumbered. The department of justice shall mail a statement certifying the filing of a security interest or lien to the secured party. The department of justice shall mail the certificate of ownership to the owner at the address given on the certificate; however, if the transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department of justice shall return the certificate of ownership to the county treasurer of the county in which the snowmobile is to be registered. The owner of a snowmobile is the person entitled to operate and possess the snowmobile.

(10) A security interest in a snowmobile held as inventory by a dealer must be perfected in accordance with Title 30, chapter 9A.

(11) Whenever a security interest or lien is filed against a snowmobile that is subject to two security interests previously perfected under this section, the department of justice shall endorse on the face of the certificate of ownership: "NOTICE. This snowmobile is subject to additional security interest on file with the Department of Justice." Other information regarding the additional security interests need not be endorsed on the certificate.

(12) Satisfactions or statements of release filed with the department of justice under this part must be retained for a period of 8 years after receipt, after which they may be destroyed.

(13) Except as provided in subsection (14), a voluntary security interest or lien is perfected on the date the lien notice is delivered to the county treasurer. On that date, the county treasurer shall issue to the secured party a receipt evidencing the perfection. Perfection under this section constitutes constructive notice to subsequent purchasers or encumbrancers, from the date of delivery of the lien notice to the county treasurer, of the existence of the security interest.

(14) Voluntary security interests or lien filings that do not require transfer of ownership are perfected on the date the lien notice and the certificate of ownership or manufacturer's statement of origin are received by the department of justice. On that date, the department of justice shall issue to the secured party a receipt evidencing the perfection. Perfection under this subsection constitutes constructive notice to subsequent purchasers or encumbrancers, from the date the lien notice is delivered to the department of justice, of the existence of the security interest.

(15) Upon default under a chattel mortgage or conditional sales contract covering a snowmobile, the mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment of a snowmobile, all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable, except that deposits must be made with the department of justice.

(16) A conditional sales vendor or chattel mortgagee or assignee who fails to file a satisfaction of a chattel mortgage, assignment, or conditional sales contract within 15 days after receiving final payment is required to pay the department of justice the sum of \$1 for each day that the satisfaction is not filed.

(17) Upon receipt of notice of any involuntary liens or attachments against the record of any snowmobile registered in this state, the department of justice shall within 24 hours mail to the owner, conditional sales vendor, mortgagee, or their assignee a notice showing the name and address of the lien claimant, the amount of the lien, the date of execution of the lien, and, in the case of attachment, the full title of the court, the action, and the name of the attorney for the plaintiff or the name of the attaching creditor, or both.

(18) It is not necessary to refile with the department of justice any instruments on file in the office of the county clerk and recorder on October 1, 1989.

(19) A fee of \$4 must be paid to the department of justice to file any security interest or other lien against a snowmobile. The \$4 fee must cover the cost of filing a satisfaction or release of the security interest and the cost of entering the satisfaction or release on the records of the department of justice and deleting the endorsement of the security interest from the face of the certificate of ownership. A fee of \$4 must be paid to the department of justice for issuing a certified copy of a certificate of ownership subject to a security interest or other lien on file with the department of justice or for filing an assignment of a security interest or other lien on file with the department of justice. All fees provided for in this section must be paid to the county treasurer for deposit in the state general fund in accordance with 15-1-504."

Section 5. Section 23-2-811, MCA, is amended to read:

"23-2-811. Certificate of ownership — procedure — fee — filing security interest. (1) An off-highway vehicle may not be operated upon any public lands, trails, easements, lakes, rivers, or streams unless a certificate of ownership has first been obtained from the department of justice.

(2) The owner of an off-highway vehicle shall apply for a certificate of ownership to the county treasurer of the county in which the owner resides, on a form furnished by the department of justice for that purpose. The form must include:

- (a) the name of the owner;
- (b) the residence of the owner, by town and county;
- (c) the business address or home mailing address of the owner;
- (d) the name and address of any lienholder;
- (e) the amount due under any contract, mortgage, or lien;
- (f) the name of the manufacturer;
- (g) the model number or name;
- (h) the identification number; and

(i) the name and address of the dealer or other person from whom the off-highway vehicle was acquired.

(3) The application must be signed by at least one owner or by a properly authorized agent of the owner.

(4) The application for a new certificate of ownership must be accompanied by the immediately previous certificate. This subsection does not apply to off-highway vehicles that are purchased as new and unused machines or that were operated before January 1, 1990.

(5) (a) After the owner completes the application form, the county treasurer shall issue to the applicant two copies of the completed application, with one marked "file copy", and shall forward one copy and the original application to the department of justice. The department of justice shall enter the information contained in the application upon the corresponding records of its office and shall send the applicant a certificate of ownership containing a permanent ownership number and information from the application considered necessary by the department of justice.

(b) The certificate of ownership is not required to be renewed annually and is valid as long as the person holding it owns the off-highway vehicle.

(6) The owner shall at all times retain possession of the certificate of ownership, except when it is being transmitted to and from the department of justice for endorsement or cancellation.

(7) Upon application for a certificate of ownership, a fee of ~~\$5~~ \$10 must be paid to the county treasurer, ~~which must be forwarded to the department of justice for deposit and, of the \$10 fee, \$5 must be forwarded to the department of revenue and must be deposited in the general fund. The remaining \$5 must be forwarded to the department of justice for deposit in the motor vehicle information technology system account provided for in 61-3-550.~~

(8) The department of justice may not file a voluntary security interest or lien unless it is accompanied by or specified in the application for a certificate of ownership of the encumbered off-highway vehicle. If the approved lien notice is transmitted to the department of justice, the security agreement or other lien instrument that creates the security interest must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains the name and address of the debtor and the secured party, a complete description of the off-highway vehicle, the amount of the lien, and the signature of the debtor. The department of justice shall file voluntary security interests and liens by entering the name and address of the secured party upon the face of the certificate of ownership. Involuntary liens must be filed against the record of the off-highway vehicle encumbered. The department of justice shall mail a statement certifying the filing of a security interest or lien to the secured party. The department of justice shall mail the certificate of ownership to the owner at the address given on the certificate. However, if the transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department of justice shall return the certificate of ownership to the county treasurer of the county where the vehicle is to be registered. The owner of an off-highway vehicle is the person entitled to operate and possess the vehicle.

(9) A security interest in an off-highway vehicle held as inventory by a dealer must be perfected in accordance with Title 30, chapter 9A.

(10) Whenever a security interest or lien is filed against an off-highway vehicle that is subject to two or more security interests previously perfected

under this section, the department of justice shall endorse on the face of the certificate of ownership: "Notice. This off-highway vehicle is subject to additional security interests on file with the Department of Justice." Other information regarding the additional security interests need not be endorsed on the certificate.

(11) Satisfaction or statements of release filed with the department of justice under this section must be retained for a period of 8 years from the date of receipt, after which they may be destroyed.

(12) Except as provided in subsection (13), a voluntary security interest or lien is perfected on the date the lien notice is delivered to the county treasurer. On that date, the county treasurer shall issue to the secured party a receipt evidencing the perfection. Perfection under this section constitutes constructive notice to subsequent purchasers or encumbrancers, from the date of delivery of the lien notice to the county treasurer, of the existence of the security interest.

(13) Voluntary security interests or lien filings that do not require transfer of ownership are perfected on the date the lien notice and the certificate of ownership or manufacturer's statement of origin are received by the department of justice. On that date, the department shall issue to the secured party a receipt evidencing the perfection. Perfection under this subsection constitutes constructive notice to subsequent purchasers or encumbrancers, from the date the lien notice is delivered to the department, of the existence of the security interest.

(14) Upon default under a chattel mortgage or conditional sales contract covering an off-highway vehicle, the mortgagee or vendor has the same remedies as in the case of other personal property. In the case of attachment of an off-highway vehicle, the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable, except that deposits must be made with the department of justice.

(15) A conditional sales vendor, chattel mortgagee, or assignee who fails to file a satisfaction of a chattel mortgage, assignment, or conditional sale contract within 15 days after receiving final payment shall pay to the department of justice the sum of \$1 for each day after the expiration of the 15-day period that the person fails to file the satisfaction.

(16) Upon receipt of notice of any involuntary liens or attachments against the record of an off-highway vehicle in this state, the department of justice shall within 24 hours mail to the owner, conditional sales vendor, mortgagee, or their assignee a notice of the lien, showing the date of execution of the lien and, in the case of attachment, the full title of the court, the action, and the name of the attorney for the plaintiff or the name of the attaching creditor, or both.

(17) It is not necessary to refile with the department of justice instruments on file in the offices of the county clerk and recorders at the time this law takes effect.

(18) A fee of \$4 must be paid to the department of justice to file a security interest or other lien against an off-highway vehicle. The \$4 fee includes and covers the cost of filing a satisfaction or release of the security interest and also the cost of entering the satisfaction or release on the records of the department of justice and deleting the endorsement of the security interest from the face of the certificate of ownership. A fee of \$4 must be paid to the department of justice for issuing a certified copy of a certificate of ownership subject to a security interest or other lien on file in the office of the department of justice or for filing

an assignment of a security interest or other lien on file with the department of justice. All fees provided for in this section must be paid to the county treasurer for deposit in the state general fund in accordance with 15-1-504.”

Section 6. Section 61-3-103, MCA, is amended to read:

“61-3-103. (Temporary) Filing of security interests — perfection — rights — procedure — fees. (1) Except as provided in 61-3-109, the department may not file any voluntary security interest or lien unless it is accompanied by or specified in the application for a certificate of ownership of the vehicle encumbered. If the approved notice form is transmitted to the department, the security agreement or other lien instrument that creates the security interest must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains the name and address of the debtor and the secured party, the complete vehicle description, and the amount of the lien and is signed by the debtor. The department shall file voluntary security interests and liens by entering the name and address of the secured party upon the face of the certificate of ownership. Involuntary liens must be filed against the record of the vehicle encumbered. The department shall mail a statement certifying to the filing of a security interest or lien to the secured party. The department shall mail the certificate of ownership to the owner at the address given on the certificate; however, if the transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department shall return the certificate of ownership to the county treasurer in the county in which the vehicle is to be registered. The owner of a motor vehicle is the person entitled to operate and possess the motor vehicle.

(2) A security interest in a motor vehicle held as inventory by a dealer licensed under chapter 4 of this title must be perfected in accordance with Title 30, chapter 9A.

(3) Whenever a security interest or lien is filed against a motor vehicle that is subject to two security interests previously perfected under this section, the department shall endorse on the face of the certificate of ownership, “NOTICE. This motor vehicle is subject to additional security interests on file with the Department of Justice.” Other information regarding the additional security interests need not be endorsed on the certificate.

(4) Satisfactions or statements of release filed with the department under this chapter must be retained by it for a period of 8 years after receipt, after which they may be destroyed.

(5) Except as provided in 61-3-109 and subsection (6) of this section, a voluntary security interest or lien is perfected on the date that the lien notice and the certificate of ownership or manufacturer's statement of origin are delivered to the county treasurer. On that date, the county treasurer shall issue to the secured party a receipt evidencing the perfection. Perfection under this section constitutes constructive notice to subsequent purchasers or encumbrancers, from the date of delivery of the lien notice to the county treasurer, of the existence of the security interest.

(6) Except as provided in 61-3-109, voluntary security interests or lien filings that do not require transfer of ownership are perfected on the date that the lien notice and the certificate of ownership or manufacturer's statement of origin are received by the department. On that date, the department shall issue to the secured party a receipt evidencing the perfection. Perfection under this subsection constitutes constructive notice to subsequent purchasers or

encumbrancers, from the date that the lien notice is delivered to the department, of the existence of the security interest.

(7) Upon default under a chattel mortgage or conditional sales contract covering a motor vehicle, the mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment of motor vehicles, all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable except that deposits must be made with the department.

(8) A conditional sales vendor or chattel mortgagee or assignee who fails to file a satisfaction of a chattel mortgage, assignment, or conditional sales contract within 15 days after receiving final payment is required to pay the department the sum of \$1 for each day that the person fails to file the satisfaction.

(9) Upon receipt of notice of any involuntary liens or attachments against the record of any motor vehicle registered in this state, the department shall within 24 hours mail to the owner, conditional sale vendor, mortgagees, or assignees of the owner, conditional sale vendor, or mortgagees a notice showing the name and address of the lien claimant, the amount of the lien, the date of execution of the lien, and, in the case of attachment, the full title of the court and the action and the names of the attorneys for the plaintiff and attaching creditor.

(10) It is not necessary to refile with the department any instruments on file in the offices of the county clerk and recorders at the time that this law takes effect.

(11) A fee of \$8 must be paid to the department to file any security interest or other lien against a motor vehicle. The \$8 fee includes the cost of filing a satisfaction or release of the security interest and also the cost of entering the satisfaction or release on the records of the department ~~and of deleting the endorsement of the security interest from the face of the certificate of ownership.~~ A fee of \$4 must be paid to the department for issuing a certified copy of a certificate of ownership subject to a security interest or other lien on file in the office of the department or for filing an assignment of any security interest or other lien on file with the department. All fees provided for in this section must be paid to the county treasurer. Of the \$8 fee, \$4 must be deposited in the state general fund in accordance with 15-1-504. The remaining \$4 must be forwarded to the state treasurer for deposit in the motor vehicle information technology system account provided for in 61-3-550.

(12) A fee of \$10 must be paid to the department by a vehicle owner if, following satisfaction or release of a security interest and its removal from the department's records, the vehicle owner requests issuance of a new certificate of title without the security interest or lien shown on the face of the title. The \$10 fee must be deposited in the motor vehicle information technology system account provided for in 61-3-550. (Terminates June 30, 2008—sec. 2, Ch. 260, L. 1999.)

61-3-103. (Effective July 1, 2008) Filing of security interests — perfection — rights — procedure — fees. (1) The department may not file any voluntary security interest or lien unless it is accompanied by or specified in the application for a certificate of ownership of the vehicle encumbered. If the approved notice form is transmitted to the department, the security agreement or other lien instrument that creates the security interest must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains the name and address of the debtor and the secured party, the complete vehicle description, amount of lien, and is signed by the debtor. The

department shall file voluntary security interests and liens by entering the name and address of the secured party upon the face of the certificate of ownership. Involuntary liens must be filed against the record of the vehicle encumbered. The department shall mail a statement certifying to the filing of a security interest or lien to the secured party. The department shall mail the certificate of ownership to the owner at the address given on the certificate; however, if the transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department shall return the certificate of ownership to the county treasurer where the vehicle is to be registered. The owner of a motor vehicle is the person entitled to operate and possess the motor vehicle.

(2) A security interest in a motor vehicle held as inventory by a dealer licensed under chapter 4 of this title must be perfected in accordance with Title 30, chapter 9A.

(3) Whenever a security interest or lien is filed against a motor vehicle that is subject to two security interests previously perfected under this section, the department shall endorse on the face of the certificate of ownership, "NOTICE. This motor vehicle is subject to additional security interests on file with the Department of Justice." Other information regarding the additional security interests need not be endorsed on the certificate.

(4) Satisfactions or statements of release filed with the department under this chapter must be retained by it for a period of 8 years after receipt, after which they may be destroyed.

(5) Except as provided in subsection (6), a voluntary security interest or lien is perfected on the date the lien notice and the certificate of ownership or manufacturer's statement of origin are delivered to the county treasurer. On that date, the county treasurer shall issue to the secured party a receipt evidencing the perfection. Perfection under this section constitutes constructive notice to subsequent purchasers or encumbrancers, from the date of delivery of the lien notice to the county treasurer, of the existence of the security interest.

(6) Voluntary security interests or lien filings that do not require transfer of ownership are perfected on the date the lien notice and the certificate of ownership or manufacturer's statement of origin are received by the department. On that date, the department shall issue to the secured party a receipt evidencing the perfection. Perfection under this subsection constitutes constructive notice to subsequent purchasers or encumbrancers, from the date the lien notice is delivered to the department, of the existence of the security interest.

(7) Upon default under a chattel mortgage or conditional sales contract covering a motor vehicle, the mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment of motor vehicles all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable except that deposits must be made with the department.

(8) A conditional sales vendor or chattel mortgagee or assignee who fails to file a satisfaction of a chattel mortgage, assignment, or conditional sales contract within 15 days after receiving final payment is required to pay the department the sum of \$1 for each day that the person fails to file such satisfaction.

(9) Upon receipt of notice of any involuntary liens or attachments against the record of any motor vehicle registered in this state, the department shall

within 24 hours mail to the owner, conditional sale vendor, mortgagees, or assignees of any owner, conditional sale vendor, or mortgagees a notice showing the name and address of the lien claimant, amount of the lien, date of execution of lien, and in the case of attachment the full title of the court and the action and the name of the attorneys for the plaintiff and attaching creditor.

(10) It is not necessary to refile with the department any instruments on file in the offices of the county clerk and recorders at the time this law takes effect.

(11) A fee of \$8 must be paid to the department to file any security interest or other lien against a motor vehicle. The \$8 fee must include and cover the cost of filing a satisfaction or release of the security interest and also the cost of entering the satisfaction or release on the records of the department ~~and deleting the endorsement of the security interest from the face of the certificate of ownership~~. A fee of \$4 must be paid to the department for issuing a certified copy of a certificate of ownership subject to a security interest or other lien on file in the office of the department or for filing an assignment of any security interest or other lien on file with the department. All fees provided for in this section must be paid to the county treasurer. Of the \$8 fee, \$4 must be deposited in the state general fund in accordance with 15-1-504. The remaining \$4 must be forwarded to the state treasurer for deposit in the motor vehicle information technology system account provided for in 61-3-550.

(12) *A fee of \$10 must be paid to the department by a vehicle owner if, following satisfaction or release of a security interest and its removal from the department's records, the vehicle owner requests issuance of a new certificate of title without the security interest or lien shown on the face of the title. The \$10 fee must be deposited in the motor vehicle information technology system account provided for in 61-3-550. (Terminates June 30, 2011—sec. 9, Ch. 394, L. 2001.)*

61-3-103. (Effective July 1, 2011) Filing of security interests — perfection — rights — procedure — fees. (1) The department may not file any voluntary security interest or lien unless it is accompanied by or specified in the application for a certificate of ownership of the vehicle encumbered. If the approved notice form is transmitted to the department, the security agreement or other lien instrument that creates the security interest must be retained by the secured party. A copy of the security agreement is sufficient as a lien notice if it contains the name and address of the debtor and the secured party, the complete vehicle description, amount of lien, and is signed by the debtor. The department shall file voluntary security interests and liens by entering the name and address of the secured party upon the face of the certificate of ownership. Involuntary liens must be filed against the record of the vehicle encumbered. The department shall mail a statement certifying to the filing of a security interest or lien to the secured party. The department shall mail the certificate of ownership to the owner at the address given on the certificate; however, if the transfer of ownership and filing of the security interest are paid for by a creditor or secured party, the department shall return the certificate of ownership to the county treasurer where the vehicle is to be registered. The owner of a motor vehicle is the person entitled to operate and possess the motor vehicle.

(2) A security interest in a motor vehicle held as inventory by a dealer licensed under chapter 4 of this title must be perfected in accordance with Title 30, chapter 9A.

(3) Whenever a security interest or lien is filed against a motor vehicle that is subject to two security interests previously perfected under this section, the

department shall endorse on the face of the certificate of ownership, "NOTICE. This motor vehicle is subject to additional security interests on file with the Department of Justice." Other information regarding the additional security interests need not be endorsed on the certificate.

(4) Satisfaction or statements of release filed with the department under this chapter must be retained by it for a period of 8 years after receipt, after which they may be destroyed.

(5) Except as provided in subsection (6), a voluntary security interest or lien is perfected on the date the lien notice and the certificate of ownership or manufacturer's statement of origin are delivered to the county treasurer. On that date, the county treasurer shall issue to the secured party a receipt evidencing the perfection. Perfection under this section constitutes constructive notice to subsequent purchasers or encumbrancers, from the date of delivery of the lien notice to the county treasurer, of the existence of the security interest.

(6) Voluntary security interests or lien filings that do not require transfer of ownership are perfected on the date the lien notice and the certificate of ownership or manufacturer's statement of origin are received by the department. On that date, the department shall issue to the secured party a receipt evidencing the perfection. Perfection under this subsection constitutes constructive notice to subsequent purchasers or encumbrancers, from the date the lien notice is delivered to the department, of the existence of the security interest.

(7) Upon default under a chattel mortgage or conditional sales contract covering a motor vehicle, the mortgagee or vendor has the same remedies as in the case of other personal property. In case of attachment of motor vehicles all the provisions of 27-18-413, 27-18-414, and 27-18-804 are applicable except that deposits must be made with the department.

(8) A conditional sales vendor or chattel mortgagee or assignee who fails to file a satisfaction of a chattel mortgage, assignment, or conditional sales contract within 15 days after receiving final payment is required to pay the department the sum of \$1 for each day that the person fails to file such satisfaction.

(9) Upon receipt of notice of any involuntary liens or attachments against the record of any motor vehicle registered in this state, the department shall within 24 hours mail to the owner, conditional sale vendor, mortgagees, or assignees of any owner, conditional sale vendor, or mortgagees a notice showing the name and address of the lien claimant, amount of the lien, date of execution of lien, and in the case of attachment the full title of the court and the action and the name of the attorneys for the plaintiff and attaching creditor.

(10) It is not necessary to refile with the department any instruments on file in the offices of the county clerk and recorders at the time this law takes effect.

(11) A fee of \$4 must be paid to the department to file any security interest or other lien against a motor vehicle. The \$4 fee must include and cover the cost of filing a satisfaction or release of the security interest and also the cost of entering the satisfaction or release on the records of the department ~~and deleting the endorsement of the security interest from the face of the certificate of ownership.~~ A fee of \$4 must be paid to the department for issuing a certified copy of a certificate of ownership subject to a security interest or other lien on file in the office of the department or for filing an assignment of any security interest or other lien on file with the department. All fees provided for in this section

must be paid to the county treasurer for deposit in the state general fund in accordance with 15-1-504.

(12) A fee of \$10 must be paid to the department by a vehicle owner if, following satisfaction or release of a security interest and its removal from the department's records, the vehicle owner requests issuance of a new certificate of title without the security interest or lien shown on the face of the title. The \$10 fee must be deposited in the motor vehicle information technology system account provided for in 61-3-550."

Section 7. Section 61-3-203, MCA, is amended to read:

"61-3-203. Fee for original certificate of ownership and transfer of registration — disposition. A charge of ~~\$5~~ \$10 must be made for issuance of an original certificate of ownership of title and for a transfer of registration, which must be collected by the county treasurer. An additional fee of \$2 must be paid for light vehicles, trucks and buses weighing less than 1 ton, and logging trucks. The fees must be *paid to the county treasurer and, of the \$10 fee, \$5 must be forwarded to the department of revenue and* deposited in the state general fund. *The remaining \$5 must be forwarded to the department for deposit in the motor vehicle information technology system account provided for in 61-3-550."*

Section 8. Section 61-3-204, MCA, is amended to read:

"61-3-204. Lost certificates. ~~In the event any~~ If a certificate of ownership is lost, mutilated, or becomes illegible, the owner shall immediately ~~make application~~ apply for and obtain a duplicate ~~thereof of the certificate of ownership~~, upon furnishing satisfactory evidence of ~~such~~ the facts and upon payment of a fee of ~~\$3~~ \$10. ~~Revenue from this~~ Of the \$10 fee, \$5 must be deposited in the state general fund in accordance with 15-1-504, and the remaining \$5 must be forwarded to the department for deposit in the motor vehicle information technology system account provided for in 61-3-550."

Section 9. Section 61-3-550, MCA, is amended to read:

"61-3-550. (Temporary) Motor vehicle information technology system account. (1) There is a motor vehicle information technology system account in the state special revenue fund provided for in 17-2-102.

(2) Fees received by the department of revenue pursuant to 61-3-103, \$5 of each fee received under 23-2-508, 23-2-611, 23-2-811, and 61-3-203 for a certificate of ownership, and \$5 from the fee received under 61-3-204 must be deposited in the account.

(3) The money in the motor vehicle information technology system account must be appropriated by the legislature to the department of justice and must be used by the department for the purpose of:

(a) repaying any indebtedness or loan incurred for the creation of a new information technology system for motor vehicles; or

(b) payment of costs directly incurred in the creation and support of the new motor vehicle information technology system. (Terminates June 30, ~~2011~~ 2013—~~sec. 9, Ch. 394, L. 2001.~~)"

Section 10. Section 5, Chapter 394, Laws of 2001, is amended to read:

"Section 5. Deposit of loan proceeds — capital projects appropriation. (1) The proceeds of any loan from the board of investments to the department of justice for creation of a new motor vehicle information technology system must be deposited in the capital projects fund.

(2) ~~There~~ *Except as provided in subsection (5), there is appropriated from the capital projects fund to the department of justice up to \$4.5 \$22.5 million for the motor vehicle information technology system described in 17-5-2001.*

(3) The department of justice is prohibited from using any of the proceeds from the loan for the motor vehicle information technology system authorized by 17-5-2001 for agency current level operating expenses.

(4) The appropriation continues until the project is completed in accordance with 17-7-212.

(5) *The department of justice may not continue to expend funds on any loan from the board of investments authorized by the 58th legislature to finance the information technology system described in 17-5-2001(2)(a) after June 30, 2005, without obtaining spending authority from the 59th legislature."*

Section 11. Section 9, Chapter 394, Laws of 2001, is amended to read:

"Section 9. Termination. (1) ~~[This act]~~ *Except as provided in subsection (2), [this act] terminates June 30, 2011 2013.*

(2) *[Section 3] terminates June 30, 2011."*

Section 12. Coordination instruction. If House Bill No. 538 and [this act] are both passed and approved, then:

(1) [Section 11] of [this act], amending section 9, Chapter 394, Laws of 2001, is void.

(2) [Section 9] of [this act] must read:

"Section 9. Section 61-3-550, MCA, is amended to read:

"61-3-550. (Temporary) Motor vehicle information technology system account. (1) There is a motor vehicle information technology system account in the state special revenue fund provided for in 17-2-102.

(2) Fees received by the department of revenue pursuant to 61-3-103 and \$5 of each fee received under 61-3-203 or 61-3-204 for a certificate of title must be deposited in the account.

(3) The money in the motor vehicle information technology system account must be appropriated by the legislature to the department of justice and must be used by the department for the purpose of:

(a) repaying any indebtedness or loan incurred for the creation of a new information technology system for motor vehicles; or

(b) payment of costs directly incurred in the creation and support of the new motor vehicle information technology system. ~~(Terminates June 30, 2011—see 9, Ch. 394, L. 2001.)"~~

Section 13. Effective date. [This act] is effective July 1, 2003.

Section 14. Retroactive applicability. [Section 11] applies retroactively, within the meaning of 1-2-109, to January 1, 2002.

Section 15. Termination. [Sections 1 through 9] terminate June 30, 2013.

Approved May 5, 2003

CHAPTER NO. 563

[HB 298]

AN ACT ALLOWING A COUNTY OR MUNICIPALITY TO CHARGE FEES FOR AN EXAMINATION OF A DIVISION OF LAND TO DETERMINE WHETHER IT IS EXEMPT FROM SUBDIVISION REVIEW; AMENDING SECTIONS 76-3-201 AND 76-3-207, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 76-3-201, MCA, is amended to read:

“76-3-201. Exemption for certain divisions of land — fees for examination of division. (1) Unless the method of disposition is adopted for the purpose of evading this chapter, the requirements of this chapter may not apply to any division of land that:

(a) is created by order of any court of record in this state or by operation of law or that, in the absence of agreement between the parties to the sale, could be created by an order of any court in this state pursuant to the law of eminent domain, Title 70, chapter 30;

(b) is created to provide security for construction mortgages, liens, or trust indentures;

(c) creates an interest in oil, gas, minerals, or water that is severed from the surface ownership of real property;

(d) creates cemetery lots;

(e) is created by the reservation of a life estate;

(f) is created by lease or rental for farming and agricultural purposes; or

(g) is in a location over which the state does not have jurisdiction.

(2) Before a court of record orders a division of land under subsection (1)(a), the court shall notify the governing body of the pending division and allow the governing body to present written comment on the division.

(3) *The governing body may examine a division of land to determine whether or not the requirements of this chapter apply to the division and may establish reasonable fees, not to exceed \$200, for the examination.”*

Section 2. Section 76-3-207, MCA, is amended to read:

“76-3-207. Subdivisions exempted from review but subject to survey requirements — exceptions — fees for examination of division. (1) Except as provided in subsection (2), unless the method of disposition is adopted for the purpose of evading this chapter, the following divisions of land are not subdivisions under this chapter but are subject to the surveying requirements of 76-3-401 for divisions of land not amounting to subdivisions:

(a) divisions made outside of platted subdivisions for the purpose of relocating common boundary lines between adjoining properties;

(b) divisions made outside of platted subdivisions for the purpose of a single gift or sale in each county to each member of the landowner's immediate family;

(c) divisions made outside of platted subdivisions by gift, sale, or agreement to buy and sell in which the parties to the transaction enter a covenant running with the land and revocable only by mutual consent of the governing body and

the property owner that the divided land will be used exclusively for agricultural purposes;

(d) for five or fewer lots within a platted subdivision, relocation of common boundaries and the aggregation of lots; and

(e) divisions made for the purpose of relocating a common boundary line between a single lot within a platted subdivision and adjoining land outside a platted subdivision. A restriction or requirement on the original platted lot or original unplatted parcel continues to apply to those areas.

(2) Notwithstanding the provisions of subsection (1):

(a) within a platted subdivision filed with the county clerk and recorder, a division of lots that results in an increase in the number of lots or which redesigns or rearranges six or more lots must be reviewed and approved by the governing body and an amended plat must be filed with the county clerk and recorder;

(b) a change in use of the land exempted under subsection (1)(c) for anything other than agricultural purposes subjects the division to the provisions of this chapter.

(3) A division of land may not be made under this section unless the county treasurer has certified that all real property taxes and special assessments assessed and levied on the land to be divided have been paid.

(4) *The governing body may examine a division of land to determine whether or not the requirements of this chapter apply to the division and may establish reasonable fees, not to exceed \$200, for the examination.*

Section 3. Effective date. [This act] is effective on passage and approval.

Approved May 5, 2003

CHAPTER NO. 564

[HB 403]

AN ACT REQUIRING EACH CONTRACTOR TO ENSURE THAT AT LEAST 50 PERCENT OF THE CONTRACTOR'S WORKERS PERFORMING LABOR ON A STATE CONSTRUCTION PROJECT ARE BONA FIDE MONTANA RESIDENTS; AMENDING SECTION 18-2-409, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 18-2-409, MCA, is amended to read:

"18-2-409. Montana residents to be employed on state construction contracts. (1) On any state construction project funded by state or federal funds, except a project partially funded with federal aid money from the United States department of transportation or ~~where~~ *when* residency preference laws are specifically prohibited by federal law and to which the state is a signatory to the construction contract, *each contractor shall ensure that* at least 50% of the ~~work must be performed by contractor's workers performing labor on the project~~ *are* bona fide Montana residents, as defined in 18-2-401.

(2) For any contract awarded for a state construction project, except a project partially funded with federal aid money from the United States department of transportation or ~~where~~ *when* residency preference laws are

specifically prohibited by federal law, there must be inserted in the bid specification and the contract a provision, in language approved by the commissioner of labor and industry, implementing the requirements of subsection (1). The bid specification and the contract must provide that at least 50% of the workers on the project will be bona fide Montana residents. ~~If there are two or more contracts and~~ due to a lack of qualified personnel ~~a each contractor cannot guarantee that at least 50% of his the contractor's workers on the project will be Montana residents, his the contract must provide that the percentage that the commissioner of labor and industry believes possible will be Montana residents and one or more of the other contracts must provide for a higher percentage of Montana residents so that 50% of the workers on the project will be Montana residents.~~

(3) The commissioner of labor and industry shall enforce this section and investigate complaints of its violation and may adopt rules to implement this section."

Section 2. Effective date — applicability. [This act] is effective on passage and approval and applies to contracts entered into on or after [the effective date of this act].

Approved May 5, 2003

CHAPTER NO. 565

[HB 509]

AN ACT REVISING LAWS RELATED TO ELECTRICAL ENERGY; PROVIDING THAT AN ELECTRICITY BUYING COOPERATIVE MAY SERVE ONLY AS A SUPPLIER OR PROMOTER OF ALTERNATIVE ENERGY AND CONSERVATION PROGRAMS; ESTABLISHING AN ENERGY AND TELECOMMUNICATIONS INTERIM COMMITTEE; REVISING CERTAIN LEGISLATIVE FINDINGS AND POLICY; DESIGNATING THE DEFAULT SUPPLIER AS THE DISTRIBUTION SERVICES PROVIDER OF A UTILITY; MODIFYING CERTAIN DEFINITIONS; DEFINING "DEFAULT SUPPLY SERVICE" AND "ELECTRICITY SUPPLY COSTS"; EXTENDING THE TRANSITION PERIOD TO JULY 1, 2027; MODIFYING PILOT PROGRAMS TO REQUIRE UTILITIES AND ELECTRICITY SUPPLIERS TO USE A SELECT SET OF SMALL CUSTOMERS TO MEASURE THE POTENTIAL FOR DEVELOPING AND OFFERING CUSTOMER CHOICE IN THE FUTURE; ESTABLISHING OPTIONS AND REQUIREMENTS FOR CUSTOMER CHOICE OF ENERGY SUPPLY; REQUIRING THE COMMISSION TO ESTABLISH RATES, FEES, RULES, AND PROCEDURES TO ENABLE CUSTOMERS TO REASONABLY CHOOSE AN ELECTRICITY SUPPLIER WHILE PROTECTING SMALL CUSTOMERS; ALLOWING THE COMMISSION TO ESTABLISH DIFFERENT CATEGORIES OF DEFAULT SUPPLY CUSTOMERS; PROHIBITING A CUSTOMER RECEIVING DEFAULT SUPPLY SERVICE FROM RESELLING ELECTRICITY; ALLOWING THE DEFAULT SUPPLIER TO IMPLEMENT DEMAND REDUCTION PROGRAMS; CLARIFYING CERTAIN PUBLIC UTILITY RESPONSIBILITIES AS A SUCCESSOR IN INTEREST; MODIFYING THE REQUIREMENT THAT PUBLIC UTILITIES EDUCATE CUSTOMERS ABOUT CUSTOMER CHOICE; MODIFYING PUBLIC UTILITY FUNCTIONAL SEPARATION REQUIREMENTS; MODIFYING DISTRIBUTION SERVICES REQUIREMENTS; MODIFYING

PUBLIC UTILITY ELECTRICITY SUPPLY REQUIREMENTS; REQUIRING THAT A PUBLIC UTILITY'S DISTRIBUTION SERVICES PROVIDER PROVIDE DEFAULT SUPPLY SERVICE; REQUIRING THE COMMISSION TO ESTABLISH DEFAULT SUPPLY RESOURCE PLANNING AND PROCUREMENT GUIDELINES; REQUIRING THE COMMISSION TO ESTABLISH AN ELECTRICITY COST RECOVERY MECHANISM; PROVIDING FOR COMMISSION REVIEW OF ELECTRICITY SUPPLY COSTS; ALLOWING THE COMMISSION TO REQUIRE A DEFAULT SUPPLIER TO OFFER MULTIPLE SERVICE OPTIONS; REQUIRING A DEFAULT SUPPLIER TO OFFER ITS CUSTOMERS THE OPTION OF PURCHASING A PRODUCT COMPOSED OF CERTIFIED ENVIRONMENTALLY PREFERRED RESOURCES; EXTENDING THE UNIVERSAL SYSTEM BENEFITS CHARGE RATES BY 2 1/2 YEARS TO DECEMBER 31, 2005; PROVIDING FOR REIMBURSEMENT AND AUTHORIZING FINES IF AN ELECTRICITY SUPPLIER FAILS TO PROVIDE ELECTRICITY SUPPLY AND RELATED SERVICES TO RETAIL CUSTOMERS; MODIFYING COMMISSION AUTHORITY; REQUIRING THE COMMISSION TO MONITOR WHETHER OR NOT WORKABLE COMPETITION HAS DEVELOPED FOR SMALL CUSTOMERS; PROVIDING THAT THE COMMISSION REPORT TO THE LEGISLATURE IF IT DETERMINES THAT WORKABLE COMPETITION HAS DEVELOPED; MODIFYING BILL INFORMATION REQUIREMENTS; ELIMINATING DEFAULT SUPPLIER LICENSING REQUIREMENTS; ELIMINATING THE TRANSITION ADVISORY COMMITTEE AND TAX REVENUE ANALYSIS REQUIREMENTS; AMENDING SECTIONS 5-5-202, 5-5-223, 35-19-104, 69-8-102, 69-8-103, 69-8-104, 69-8-201, 69-8-203, 69-8-204, 69-8-208, 69-8-210, 69-8-211, 69-8-301, 69-8-402, 69-8-403, 69-8-408, 69-8-409, AND 69-8-503, MCA; REPEALING SECTIONS 35-19-103, 69-8-416, 69-8-417, 69-8-501, AND 69-8-502, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 5-5-202, MCA, is amended to read:

"5-5-202. Interim committees. (1) During an interim when the legislature is not in session, the committees listed in subsection (2) are the interim committees of the legislature. They are empowered to sit as committees and may act in their respective areas of responsibility. The functions of the legislative council, legislative audit committee, legislative finance committee, environmental quality council, and state-tribal relations committee are provided for in the statutes governing those committees.

(2) The following are the interim committees of the legislature:

- (a) economic affairs committee;
- (b) education and local government committee;
- (c) children, families, health, and human services committee;
- (d) law and justice committee;
- (e) energy and telecommunications committee;
- ~~(e)(f)~~ revenue and transportation committee; and
- ~~(f)(g)~~ state administration and veterans' affairs committee.

(3) An interim committee or the environmental quality council may refer an issue to another committee that the referring committee determines to be more appropriate for the consideration of the issue. Upon the acceptance of the

referred issue, the accepting committee shall consider the issue as if the issue were originally within its jurisdiction. If the committee that is referred an issue declines to accept the issue, the original committee retains jurisdiction.

(4) If there is a dispute between committees as to which committee has proper jurisdiction over a subject, the legislative council shall determine the most appropriate committee and assign the subject to that committee.”

Section 2. Section 5-5-223, MCA, is amended to read:

“5-5-223. Economic affairs interim committee. The economic affairs interim committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the following executive branch agencies and the entities attached to agencies for administrative purposes:

- (1) department of agriculture;
- (2) department of commerce;
- (3) department of labor and industry;
- (4) department of livestock;
- ~~(5) department of public service regulation;~~
- ~~(6)~~(5) office of the state auditor and insurance commissioner; and
- ~~(7)~~(6) office of economic development.”

Section 3. Energy and telecommunications interim committee. The energy and telecommunications interim committee has administrative rule review, draft legislation review, program evaluation, and monitoring functions for the department of public service regulation and the entities attached to the department for administrative purposes.

Section 4. Section 35-19-104, MCA, is amended to read:

“35-19-104. Permissible purpose of incorporation. A buying cooperative may be organized under this chapter only ~~for the purpose of supplying electricity to small customers as a default supplier, pursuant to 69-8-403, and~~ for serving as a supplier or promoter of alternative energy and conservation programs.”

Section 5. Section 69-8-102, MCA, is amended to read:

“69-8-102. Legislative findings and policy. The legislature finds and declares the following:

- (1) The generation and sale of electricity is becoming a competitive industry.
- (2) Montana customers should have the freedom to choose their ~~supplier of electricity supply~~ and related services in ~~a competitive market as soon as administratively feasible~~ *accordance with this chapter*. Affording this opportunity serves the public interest.
- (3) The interests of *small* Montana consumers ~~should~~ *must* be protected ~~through the provision of adequate and reliable default supply service at the lowest long-term total cost. and the~~
- (4) *The* financial integrity of electrical utilities ~~should~~ *must* be fostered.
- ~~(4)~~(5) The public interest requires the continued protection of consumers through:
 - (a) licensure of electricity suppliers;

- (b) provision of information to consumers regarding electricity supply service;
- (c) provision of a process for investigating and resolving complaints;
- (d) continued funding for public purpose programs for:
 - (i) cost-effective local energy conservation;
 - (ii) low-income customer weatherization;
 - (iii) renewable resource projects and applications;
 - (iv) research and development programs related to energy conservation and renewables;
 - (v) market transformation; and
 - (vi) low-income energy assistance;
- (e) assurance of service reliability and quality; and
- (f) prevention of anticompetitive and abusive activities.

~~(5)~~(6) A utility in the state of Montana may not be advantaged or disadvantaged in the competitive electricity supply market, including the consideration of the existence of universal system benefits programs and the comparable level of funding for those programs throughout the regions neighboring Montana.”

Section 6. Section 69-8-103, MCA, is amended to read:

“69-8-103. Definitions. As used in this chapter, unless the context requires otherwise, the following definitions apply:

- (1) “Aggregator” or “market aggregator” means an entity, licensed by the commission, that aggregates retail customers, purchases electrical energy, and takes title to electrical energy as an intermediary for sale to retail customers.
- (2) “Assignee” means any entity, including a corporation, partnership, board, trust, or financing vehicle, to which a utility assigns, sells, or transfers, other than as security, all or a portion of the utility’s interest in or right to ~~transition~~ transition property. The term also includes an entity, corporation, public authority, partnership, trust, or financing vehicle to which an assignee assigns, sells, or transfers, other than as security, the assignee’s interest in or right to ~~transition~~ transition property.
- (3) “Board” means the board of investments created by 2-15-1808.
- (4) “Broker” or “marketer” means an entity, licensed by the commission, that acts as an agent or intermediary in the sale and purchase of electrical energy but that does not take title to electrical energy.
- (5) “Cooperative utility” means:
 - (a) a utility qualifying as an electric cooperative pursuant to Title 35, chapter 18; or
 - (b) an existing municipal electric utility as of May 2, 1997.
- (6) “Customer” or “consumer” means a retail electric customer or consumer. The university of Montana, pursuant to 20-25-201(1), and Montana state university, pursuant to 20-25-201(2), are each considered a single retail electric customer or consumer with a single individual load.
- (7) “Customer-generator” means a user of a net metering system.

(8) "Default supplier" means a distribution services provider ~~or a person that has received a default supplier license from the commission of a utility that has restructured in accordance with this chapter.~~

(9) "Default supply service" means the provision of electricity supply by a default supplier.

~~(9)~~(10) "Distribution facilities" means those facilities by and through which electricity is received from a transmission services provider and distributed to the customer and that are controlled or operated by a distribution services provider.

~~(10)~~(11) "Distribution services provider" means a utility owning distribution facilities for distribution of electricity to the public.

~~(11)~~(12) "Electricity supplier" means any person, including aggregators, market aggregators, brokers, and marketers, offering to sell electricity to retail customers in the state of Montana.

(13) "Electricity supply costs" means the actual costs of providing default supply service, including but not limited to:

- (a) capacity costs;
- (b) energy costs;
- (c) fuel costs;
- (d) ancillary service costs;
- (e) demand-side management and energy efficiency costs;
- (f) transmission costs, including congestion and losses;
- (g) billing costs;
- (h) planning and administrative costs; and

(i) any other costs directly related to the purchase of electricity, management of default electricity supply costs, and provision of default supply and related services.

~~(12)~~(14) "Financing order" means an order of the commission adopted in accordance with 69-8-503 that authorizes the imposition and collection of fixed ~~transition~~ transition amounts and the issuance of ~~transition~~ transition bonds.

~~(13)~~(15) (a) "Fixed ~~transition~~ transition amounts" means those nonbypassable rates or charges, including but not limited to:

- (i) distribution;
- (ii) connection;
- (iii) disconnection; and

(iv) termination rates and charges that are authorized by the commission in a financing order to permit recovery of ~~transition~~ transition costs and the costs of recovering, reimbursing, financing, or refinancing the ~~transition~~ transition costs and of acquiring ~~transition~~ transition property through a plan approved by the commission in the financing order, including the costs of issuing, servicing, and retiring ~~transition~~ transition bonds.

(b) If requested by the utility in the utility's application for a financing order, fixed ~~transition~~ transition amounts must include nonbypassable rates or charges to recover federal and state taxes in which the ~~transition cost~~ transition cost recovery period is modified by the transactions approved in the financing order.

~~(14)~~(16) "Functionally separate" means a utility's separation of the utility's electricity supply, transmission, distribution, and unregulated retail energy services assets and operations.

~~(15)~~(17) "Interested person" means a retail electricity customer, the consumer counsel established in 5-15-201, the commission, or a utility.

~~(16)~~(18) "Large customer" means, for universal system benefits programs purposes, a customer with an individual load greater than a monthly average of 1,000 kilowatt demand in the previous calendar year for that individual load.

~~(17)~~(19) "Local governing body" means a local board of trustees of a rural electric cooperative.

~~(18)~~(20) "Low-income customer" means those energy consumer households and families with incomes at or below industry-recognized levels that qualify those consumers for low-income energy-related assistance.

~~(19)~~(21) "Net metering" means measuring the difference between the electricity distributed to and the electricity generated by a customer-generator that is fed back to the distribution system during the applicable billing period.

~~(20)~~(22) "Net metering system" means a facility for the production of electrical energy that:

- (a) uses as its fuel solar, wind, or hydropower;
- (b) has a generating capacity of not more than 50 kilowatts;
- (c) is located on the customer-generator's premises;
- (d) operates in parallel with the distribution services provider's distribution facilities; and
- (e) is intended primarily to offset part or all of the customer-generator's requirements for electricity.

~~(21)~~(23) "Nonbypassable rates or charges" means rates or charges that are approved by the commission and imposed on a customer to pay the customer's share of ~~transition~~ *transition* costs or universal system benefits programs costs even if the customer has physically bypassed either the utility's transmission or distribution facilities.

~~(22)~~(24) "Pilot program" means ~~a program~~ *an experimental program* using a ~~representative sample select set of residential and small commercial~~ *small* customers to ~~assist in~~ *assess the potential for* developing and offering customer choice of electricity supply ~~for all residential and commercial~~ *to small* customers ~~in the future.~~

~~(23)~~(25) "Public utility" means any electric utility regulated by the commission pursuant to Title 69, chapter 3, on May 2, 1997, including the public utility's successors or assignees.

~~(24)~~(26) "Qualifying load" means, for payments and credits associated with universal system benefits programs, all nonresidential demand-metered accounts of a large customer within the utility's service territory in which the customer qualifies as a large customer.

~~(25)~~(27) "Small customer" means a residential customer or a ~~small~~ commercial customer who has an individual account with an average monthly demand in the previous calendar year of less than ~~100~~ 50 kilowatts or a new residential or commercial customer with an estimated average monthly demand of less than ~~100~~ 50 kilowatts of a public utility ~~distribution services provider~~.

that has ~~opened access on its distribution system~~ *restructured* pursuant to Title 35, chapter 19, or this chapter.

~~(26)~~(28) ~~“Transition~~ *“Transition bondholder”* means a holder of ~~transition~~ *transition* bonds, including trustees, collateral agents, and other entities acting for the benefit of that ~~holder~~ *bondholder*.

~~(27)~~(29) ~~“Transition~~ *“Transition bonds”* means any bond, debenture, note, interim certificate, collateral, trust certificate, or other evidence of indebtedness or ownership issued by the board or other ~~transition~~ *transition* bonds issuer that is secured by or payable from fixed ~~transition~~ *transition* amounts or ~~transition~~ *transition* property. Proceeds from ~~transition~~ *transition* bonds must be used to recover, reimburse, finance, or refinance ~~transition~~ *transition* costs and to acquire ~~transition~~ *transition* property.

~~(28)~~(30) ~~“Transition~~ *“Transition charge”* means a nonbypassable rate or charge to be imposed on a customer to pay the customer's share of ~~transition~~ *transition* costs.

~~(29)~~(31) ~~“Transition cost~~ *“Transition cost recovery period”* means the period beginning on July 1, 1998, and ending when a utility customer does not have any liability for payment of ~~transition~~ *transition* costs.

~~(30)~~(32) ~~“Transition~~ *“Transition costs”* means:

(a) a public utility's net verifiable generation-related and electricity supply costs, including costs of capital, that become unrecoverable as a result of the implementation of this chapter or of federal law requiring retail open access or customer choice;

(b) those costs that include but are not limited to:

(i) regulatory assets and deferred charges that exist because of current regulatory practices and can be accounted for up to the effective date of the commission's final order regarding a public utility's ~~transition~~ *transition* plan and conservation investments made prior to universal system benefits charge implementation;

(ii) nonutility and utility power purchase contracts *executed before May 2, 1997*, including qualifying facility contracts;

(iii) existing generation investments and supply commitments or other obligations incurred before May 2, 1997, and costs arising from these investments and commitments;

(iv) the costs associated with renegotiation or buyout of the existing nonutility and utility power purchase contracts, including qualifying facilities and all costs, expenses, and reasonable fees related to issuing ~~transition~~ *transition* bonds; and

(v) the costs of refinancing and retiring of debt or equity capital of the public utility and associated federal and state tax liabilities or other utility costs for which the use of ~~transition~~ *transition* bonds would benefit customers.

~~(31) “Transition period” means the period ending July 1, 2007.~~

(33) *“Transition period” means the period ending July 1, 2027.*

~~(32)~~(34) ~~“Transition~~ *“Transition property”* means the property right created by a financing order, including without limitation the right, title, and interest of a utility, assignee, or other issuer of ~~transition~~ *transition* bonds to all revenue, collections, claims, payments, money, or proceeds of or arising from or constituting fixed ~~transition~~ *transition* amounts that are the subject of a

financing order, including those nonbypassable rates and other charges and fixed ~~transition~~ transition amounts that are authorized by the commission in the financing order to recover ~~transition~~ transition costs and the costs of recovering, reimbursing, financing, or refinancing the ~~transition~~ transition costs and acquiring ~~transition~~ transition property, including the costs of issuing, servicing, and retiring ~~transition~~ transition bonds. Any right that a utility has in the ~~transition~~ transition property before the utility's sale or transfer or any other right created under this section or created in the financing order and assignable under this chapter or assignable pursuant to a financing order is only a contract right.

~~(33)~~(35) "Transmission facilities" means those facilities that are used to provide transmission services as determined by the federal energy regulatory commission and the commission.

~~(34)~~(36) "Transmission services provider" means ~~a person~~ an entity controlling or operating transmission facilities.

~~(35)~~(37) "Universal system benefits charge" means a nonbypassable rate or charge to be imposed on a customer to pay the customer's share of universal system benefits programs costs.

~~(36)~~(38) "Universal system benefits programs" means public purpose programs for:

- (a) cost-effective local energy conservation;
- (b) low-income customer weatherization;
- (c) renewable resource projects and applications, including those that capture unique social and energy system benefits or that provide transmission and distribution system benefits;
- (d) research and development programs related to energy conservation and renewables;
- (e) market transformation designed to encourage competitive markets for public purpose programs; and
- (f) low-income energy assistance.

~~(37)~~(39) "Utility" means any public utility or cooperative utility."

Section 7. Section 69-8-104, MCA, is amended to read:

"69-8-104. Pilot programs. (1) Except as provided in ~~69-8-201(3)~~ 69-8-201(9) and 69-8-311, utilities ~~shall~~ *shall* conduct pilot programs using a select set of their small customers to assess the potential for developing and offering customer choice of electricity supply to small customers in the future. The commission shall review and approve the design and availability of pilot programs and shall monitor the results of pilot programs. ~~representative sample of their residential and small commercial customers. A report describing and analyzing the results of the pilot programs must be submitted to the commission and the transition advisory committee established in 69-8-501 on or before July 1, 2005.~~

(2) ~~Utilities shall use pilot~~ Pilot programs *must be designed* to gather necessary information to determine the most effective and timely options for providing customer choice *to small customers in the future*. Necessary information includes but is not limited to:

- (a) the level of demand for electricity supply choice and the availability of ~~market prices~~ *market-based electricity supply options* for small customers;

- (b) the best means to encourage and support the development of sufficient markets and bargaining power for the benefit of small customers;
- (c) the electricity suppliers' interest in serving small customers and the opportunities in providing service to small customers; and
- (d) experience in the broad range of technical and administrative support matters involved in designing and delivering unbundled retail services to small customers."

Section 8. Section 69-8-201, MCA, is amended to read:

"69-8-201. Public utility — ~~transition to~~ transition to customer choice — options and requirements — waiver. ~~(1) A public utility shall, except as provided in this section, adhere to the following deadlines:~~

~~(a) All customers with individual loads greater than 1,000 kilowatts and for loads of the same customer with individual loads at a meter greater than 300 kilowatts that aggregate to 1,000 kilowatts or greater must have the opportunity to choose an electricity supplier.~~

~~(b) Before July 1, 2007, all other public utility customers must have the opportunity to choose an electricity supplier.~~

~~(2) The commission shall designate the public utility or one or more default suppliers to provide regulated default service for those small customers of a public utility that are not being served by a competitive electricity supplier. (1) Before July 1, 2027, all public utility customers of a public utility that has restructured in accordance with this chapter must have the opportunity to choose an electricity supplier other than the default supplier.~~

(2) (a) A small customer of a public utility that has restructured in accordance with this chapter:

(i) must receive default supply services from the default supplier as provided in this chapter; and

(ii) may purchase electricity supply services through a commission-approved small customer electricity supply program as provided in this section.

(b) A small customer receiving electricity from a licensed supplier prior to [the effective date of this act] may continue to receive electricity supply from a supplier other than the default supplier.

(c) Customers that represent separately metered services with an estimated average monthly demand of less than 50 kilowatts related to the same individual customer referred to in subsection (3) or (4) may be combined with the respective eligible customer load or loads.

(3) (a) Subject to subsection (3)(b), a customer of a public utility that has restructured in accordance with this chapter and that has an individual load with an average monthly demand of less than 5,000 kilowatts but greater than or equal to 50 kilowatts may choose an electricity supplier.

(b) The total average monthly billing demand for all customers that choose an electricity supplier pursuant to subsection (3)(a) in each calendar year may not exceed 20,000 kilowatts.

(c) A customer referred to in subsection (3)(a) receiving electricity from a licensed supplier prior to [the effective date of this act] may continue to receive electricity supply from a supplier other than the default supplier.

(4) (a) Except as provided in subsections (4)(b) through (4)(e), a customer of a utility that has restructured in accordance with this chapter and that has an individual load with an average monthly demand of greater than or equal to 5,000 kilowatts shall purchase its entire electricity supply from the competitive marketplace.

(b) A customer referred to in subsection (4)(a) that is receiving its electricity supply from the competitive marketplace may make a one-time election to enter into a permanent power supply contract with the default supplier for service on or after July 1, 2004. These contracts must include the applicable provisions established by the commission pursuant to subsection (5). This election must be submitted to the commission in writing no later than December 31, 2003.

(c) A new customer with an estimated average monthly demand of greater than or equal to 5,000 kilowatts may enter into a power supply contract with the default supplier in order to receive default supply service. The new customer's election of an electricity supplier must be submitted in writing to the commission at least 90 days before delivery of electricity. These contracts must include the applicable provisions established by the commission pursuant to subsection (5).

(d) A customer referred to in subsection (4)(a) that was receiving electricity from the default supplier on [the effective date of this act] may continue to receive electricity from the default supplier.

(e) A customer referred to in subsection (4)(a) that is a public agency, as defined in 18-1-101, may enter into a power supply contract with the default supplier for default supply service for all or part of the public agency's load. These contracts must include the applicable provisions established by the commission pursuant to subsection (5).

(5) The commission shall adopt rules and establish rates and fees to enable customers to have reasonable opportunities to choose an electricity supplier or to receive default supply service in accordance with subsections (2) through (4), while providing protection for small customers from higher or more unstable default supply service rates than would otherwise result if these choices were not offered.

(6) An electricity supplier licensed by the commission to offer electricity supply service to small customers may petition the commission for the opportunity to provide electricity to small customers. The total average monthly demand for all customers referred to in subsection (2)(a) in each calendar year that receive service from an electricity supplier that is not the default supplier may not exceed 10,000 kilowatts. The commission shall ensure that electricity supply service provided pursuant to this subsection is consistent with the requirements in subsection (5) and the provision of default supply service pursuant to this chapter.

(7) Based on an analysis of the sources of costs of providing default supply service, the commission may:

(a) establish different categories of default supply service customers to assist with the implementation of this section;

(b) allocate default supply costs; and

(c) develop default supply rates.

(8) (a) Except as provided in subsection (8)(b), a customer receiving default supply service may not resell the electricity.

(b) *A default supplier may implement demand reduction programs that reward customers for reducing demand under terms established by the commission.*

~~(3)~~(9) (a) Except as provided in 69-5-101, 69-5-102, 69-5-104 through 69-5-112, and 69-8-402, a public utility currently doing business in Montana as part of a single integrated multistate operation, no portion of which lies within the basin of the Columbia River, may defer compliance with this chapter until a time that the public utility can reasonably implement customer choice in the state of the public utility's primary service territory.

(b) *To the extent that a public utility described in subsection (9)(a) becomes the successor in interest of another public utility that has restructured in accordance with this chapter, it shall assume responsibility only for the applicable transition plan of the acquired public utility.*

~~(4)~~(10) Upon a request from a public utility with fewer than 50 customers, the commission shall waive compliance with the requirements of 69-8-104, 69-8-202 through 69-8-204, 69-8-208 through 69-8-211, 69-8-402, and this section."

Section 9. Section 69-8-203, MCA, is amended to read:

~~"69-8-203. Public utility — customer choice — continued service — customer choice — education of customers.~~ (1) ~~A customer is permitted to choose an electricity supplier pursuant to the deadlines established in 69-8-201. Public utilities shall propose a method for customers to choose an electricity supplier.~~

~~(2) If a customer has not chosen an electricity supplier by the end of the transition period, a city, county, or consolidated government that is licensed as an electricity supplier may, upon application to and approval by the commission, become the default supplier to residential and commercial customers of a public utility within its jurisdiction. For customers that are not within the jurisdiction of a licensed and approved city, county, or consolidated government electricity supplier area, a public utility shall propose a method in the public utility's transition plans for assigning that customer to an electricity supplier. The commission shall establish an application process and guidelines for the designation of one or more default suppliers for the distribution area of each public utility.~~

~~(3) A public utility may phase in customer choice to promote the orderly transition to a competitive market environment pursuant to the deadlines in 69-8-201.~~

~~(4) Public~~ During the transition period, public utilities shall educate their customers about customer choice options so that customers may make an informed choice of an electricity supplier from among the options, including pilot programs, electricity supplier service options, and other electricity supply options available under default supply service. ~~This education process must give special emphasis to education efforts during the transition period."~~

Section 10. Section 69-8-204, MCA, is amended to read:

"69-8-204. Public utility — functional separation, divestiture, and nondiscrimination. (1) To the extent that a public utility is vertically integrated, a public utility shall functionally separate the public utility's electricity supply, retail transmission, and retail distribution, and regulated and unregulated retail energy services operations in the state of Montana, upon application to and approval from the commission.

~~(2) The commission may not order a public utility to divest itself of any generation assets or prohibit a public utility from divesting itself voluntarily of any generation assets.~~

~~(3)~~(2) Public utilities shall:

(a) prevent undue discrimination in favor of their own power supply, other services, divisions, or affiliates, if any;

(b) prevent any other forms of self-dealing that could result in noncompetitive electricity prices to customers; and

(c) grant customers and their electricity suppliers access to the public utility's retail transmission and distribution system on a nondiscriminatory basis at rates, terms, and conditions of service comparable to the use of the retail transmission and distribution system by the public utility and the public utility's affiliates.

~~(4)~~(3) The provisions of this section are satisfied if the public utility adopts and complies with a code of conduct consistent with the federal energy regulatory commission approved code of conduct pursuant to 18 CFR, part 37-~~The commission shall promulgate rules relating to the codes of conduct, and commission rules and orders."~~

Section 11. Section 69-8-208, MCA, is amended to read:

"69-8-208. Public utility — distribution services. ~~(1)~~ A public utility's distribution services provider shall:

~~(a)~~(1) file tariffs that make distribution facilities available to all electricity suppliers, transmission services providers, and customers on a nondiscriminatory and comparable basis;

~~(b)~~(2) build and maintain distribution facilities; ~~and~~

~~(c)~~(3) ~~be an emergency supplier of electricity and related services provide default supply service; and~~

(4) *provide or contract for emergency electricity supply and related services.*

~~(2) When a distribution services provider acts as an emergency supplier of electricity and related services to customers, the electricity supplier that should have provided the electricity shall reimburse the distribution services provider at the higher of a multiple of the cost or a multiple of the then-existing market rate for that electricity. The commission shall determine and authorize the multiple used. The market rate is the highest published rate for electricity purchased within the local load control area at the time that the distribution services provider provided the emergency supply. A distribution services provider is not required to purchase any reserve supply of electricity to fulfill this obligation."~~

Section 12. Section 69-8-210, MCA, is amended to read:

"69-8-210. Public utilities — electricity supply. ~~(1) On the effective date of a commission order implementing a public utility's transition plan pursuant to 69-8-202, the public utility shall remove its generation assets from the rate base.~~

~~(2) During the transition period, the commission may establish cost-based prices for electricity supply service for customers that do not have a choice of electricity supply service or that have not yet chosen an electricity supplier.~~

~~(3) If the transition period is extended, then the customers' distribution services provider shall:~~

~~(a) extend any cost-based contract with the distribution services provider's affiliate supplier for a term of not more than 3 years; or~~

~~(b) purchase electricity from the market; and~~

~~(c) use a mechanism that recovers electricity supply costs in rates to ensure that those costs are fully recovered.~~ (1) A public utility's distribution services provider shall provide default supply service.

(2) The commission shall adopt rules that establish guidelines that provide the basis for the default supplier's resource planning and procurement activities and the commission's review and consideration of the default supplier's requests for recovery of electricity supply costs.

(3) The commission shall establish an electricity cost recovery mechanism that allows a default supplier to fully recover prudently incurred electricity supply costs, subject to the provisions of subsection (2). The cost recovery mechanism must provide for prospective rate adjustments for cost differences resulting from cost changes, load changes, and the time value of money on the differences.

(4) The commission's review of the electricity supply costs incurred by a default supplier must be based on facts that were known or should reasonably have been known by the default supplier at the time it made the decisions that resulted in incurring the costs.

(5) The commission may direct a default supplier to offer its customers multiple default supply service options if the commission determines that those options are in the public interest and are consistent with the provisions of 69-8-104 and 69-8-201.

(6) Notwithstanding any service options that the commission may require pursuant to subsection (5), a default supplier shall offer its customers the option of purchasing a product composed of or supporting power from certified environmentally preferred resources that include but are not limited to wind, solar, geothermal, and biomass, subject to review and approval by the commission. The commission shall ensure that these resources have been certified as meeting industry-accepted standards.

~~(4)~~(7) If a public utility intends to be an electricity supplier through an unregulated division, then the public utility must be licensed as an electricity supplier pursuant to 69-8-404."

Section 13. Section 69-8-211, MCA, is amended to read:

"69-8-211. Public utilities — ~~transition~~ transition costs and charges — ~~rate moratorium~~. (1) Subject to the provisions of this section, the commission shall allow recovery of the following categories of ~~transition~~ transition costs:

(a) the unmitigable costs of qualifying facility contracts, including reasonable buyout or buydown costs, for which the contract price of generation is above the market price for generation;

(b) the unmitigable costs of energy supply-related regulatory assets and deferred charges that exist because of current regulatory practices and that can be accounted for up to the effective date of the commission's final order

regarding a public utility's ~~transition~~ transition plan, including costs, expenses, and reasonable fees related to issuing of ~~transition~~ transition bonds;

(c) the unmitigable ~~transition~~ transition costs related to public utility-owned generation and other power purchase contracts, except that recovery of those costs is limited to the amount accruing during the first 4 years after the commission enters an order pursuant to 69-8-202(3); and

(d) other ~~transition~~ transition costs ~~as that~~ may qualify for recovery under this section.

(2) ~~Transition~~ Transition costs as determined by the commission upon an affirmative showing by a public utility must meet the following requirements:

(a) ~~Transition~~ Transition costs must reflect all reasonable mitigation by the public utility, including but not limited to good faith efforts to renegotiate contracts, buying out or buying down contracts, and refinancing through ~~transition~~ transition bonds.

(b) The value of all generation-related assets and liabilities and other electricity supply ~~costs~~ obligations must be reasonably demonstrable and must be considered on a net basis, and methods for determining value must include but are not limited to:

(i) estimating future market values of electricity and ancillary services provided by the assets;

(ii) appraisal by independent third-party professionals; or

(iii) a competitive bid sale.

(c) Investments and power purchase contracts must have been previously allowed in rates or, if not previously *allowed* in rates, must be determined to be used and useful to ratepayers in connection with the commission's approval of the utility's ~~transition~~ transition plan.

(d) Unless otherwise provided for in this chapter, only costs related to ~~existing~~ investments and power purchase contracts identified in subsection (2)(c) ~~that were allowed in rates before May 2, 1997~~, and costs arising from those investments and power purchase contracts may be included as ~~transition~~ transition costs.

(3) (a) On commission approval of the amount of a public utility's ~~transition~~ transition costs, those costs must be recovered through the imposition of a ~~transition~~ transition charge.

(b) A ~~transition~~ transition charge may not be collected from customers for:

(i) new or additional loads of 1,000 kilowatts or greater that were first served by the public utility after December 31, 1996; or

(ii) loads served by that customer's own generation.

(c) Subject to commission approval, a public utility and a customer may agree to alter the customer's ~~transition~~ transition charge payment schedule. Public utilities may file with the commission tariffs for electric service rates that foster economic development or retention of existing customers within the state, including generally available rate schedules. ~~Transition~~ Transition charges are the only charges that may be imposed upon a customer class to recover ~~transition~~ transition costs under this section. A separate exit fee may not be charged *under this section*.

(4) ~~Transition charges~~ *Transition charges* must be imposed within a ~~transition cost~~ *transition cost* recovery period approved by the commission on a case-by-case basis. Except for ~~transition~~ *transition* costs recovered under subsection (1)(c), categories of ~~transition~~ *transition* costs may have varying ~~transition cost~~ *transition costs* recovery periods.

(5) Approval of ~~transition~~ *transition* costs and collection of those ~~transition~~ *transition* costs through ~~transition~~ *transition* charges is a settlement of all ~~transition~~ *transition* costs claims by a public utility. A public utility seeking to recover ~~transition~~ *transition* costs through any means not authorized by this chapter may not collect ~~transition~~ *transition* charges with respect to these ~~transition~~ *transition* costs.

(6) ~~Except as provided in subsection (7), public utilities shall implement a rate moratorium during the transition period from July 1, 2000, through June 30, 2002, and only for those customers subject to the provisions of 69-8-201(1)(b), public utilities may not increase that increment of rates normally allocated to electric supply-related costs above the increment associated with electric supply-related costs reflected in rates in effect on July 1, 1998. Public utilities may propose increases to those increments of rates normally allocated to transmission and distribution costs.~~

(7) ~~Excepted from the provisions of subsection (6) are:~~

(a) ~~increased costs related to universal system benefits programs greater than those currently in rates, including the treatment of universal system benefits program costs as an expense;~~

(b) ~~increased costs necessary to implement full customer choice, including but not limited to metering, billing, and technology. Those costs must be recovered from the customers on whose behalf the increased costs are incurred.~~

(c) ~~subject to commission approval, an extraordinary event resulting in an 8% power supply-related annual revenue requirement increase from July 1, 2000, through June 30, 2002;~~

(d) ~~the increase or decrease in the annual state and local property tax expense that has occurred since May 2, 1997.~~

(8) ~~Notwithstanding subsections (6) and (7), during the transition period, public utilities may not charge rates or collect costs that include costs reallocated to transition costs at a level higher than the public utility would reasonably expect to recover in rates had the current regulatory system remained intact.~~

(9) ~~Public utilities shall apply savings resulting under 69-8-503 toward the rate moratorium pursuant to subsection (6).~~

(10) ~~Before July 1, 2002, public utilities may accelerate the amortization of accumulated deferred investment tax credits associated with transmission, distribution, and the general plant as an adjustment to earnings if electric earnings fall below 9.5% earned return on average equity. The public utility may include the flow through of investment tax credits so that the public utility's earned return on equity is maintained at 9.5%. Accumulated deferred investment tax credits amortized under this subsection may not be reflected in operating income for ratemaking purposes.~~

(11) ~~The commission shall issue the accounting orders necessary to align rate moratorium timing and requirements to actual transition bonds savings."~~

Section 14. Section 69-8-301, MCA, is amended to read:

“69-8-301. Cooperative utility — transition plan for customer choice. (1) Except as provided in 69-8-311, on or before July 1, 2006, the local governing body of a cooperative utility shall adopt a transition plan.

(2) (a) Except as provided in subsection (2)(b), transition plans must contain a transition period that may not end later than July 1, ~~2007~~ 2027. At the conclusion of the transition period, all customers must have the opportunity to choose an electricity supplier.

(b) If after a pilot program for customers of a cooperative utility with loads less than 1,000 kilowatts a competitive market, technology, or other conditions precedent to full customer choice have not developed, then the transition plan may be altered by the cooperative utility's governing body for those customers.

(3) This chapter does not require the cooperative utility to divest itself of any generation, transmission, or distribution assets or prohibit a cooperative utility from divesting itself voluntarily of those assets.

(4) A cooperative utility's local governing body shall certify to the commission that the local governing body has adopted a transition plan. In the cooperative utility's certification filing, the cooperative utility shall provide to the commission documentation that the cooperative utility's transition plan is consistent with this chapter.”

Section 15. Section 69-8-402, MCA, is amended to read:

“69-8-402. Universal system benefits programs. (1) Universal system benefits programs are established for the state of Montana to ensure continued funding of and new expenditures for energy conservation, renewable resource projects and applications, and low-income energy assistance ~~during the transition period and into the future.~~

(2) Beginning January 1, 1999, 2.4% of each utility's annual retail sales revenue in Montana for the calendar year ending December 31, 1995, is established as the initial funding level for universal system benefits programs. ~~To collect this amount of funds on an annualized basis in 1999, the commission shall establish rates for utilities subject to its jurisdiction and the governing boards of cooperatives shall establish rates for the cooperatives. Except as provided in subsection (7), these~~ To collect this amount of funds on an annualized basis in 1999, the commission shall establish rates for utilities subject to its jurisdiction and the governing boards of cooperatives shall establish rates for the cooperatives. These universal system benefits charge rates must remain in effect ~~until July 1, 2003~~ through December 31, 2005.

(a) The recovery of all universal system benefits programs costs imposed pursuant to this section is authorized through the imposition of a universal system benefits charge assessed at the meter for each local utility system customer as provided in this section.

(b) ~~Utilities~~ A utility must receive credit toward annual funding requirements for ~~a~~ the utility's internal programs or activities that qualify as universal system benefits programs, including those amortized or nonamortized portions of expenditures for the purchase of power that are for the acquisition or support of renewable energy, conservation-related activities, or low-income energy assistance, and for large customers' programs or activities as provided in subsection (7). The department of revenue shall review claimed credits of the utilities and large customers pursuant to 69-8-414.

(c) A utility's distribution services provider at which the sale of power for final end use occurs is the utility that receives credit for the universal system benefits programs expenditure.

(d) A customer's distribution services provider shall collect universal system benefits funds less any allowable credits.

(e) For a utility to receive credit for ~~low-income-related~~ *low-income-related* expenditures, the activity must have taken place in Montana.

(f) If a utility's or a large customer's credit for internal activities does not satisfy the annual funding provisions of subsection (2), then the utility shall make a payment to the universal system benefits fund established in 69-8-412 for any difference.

(3) Cooperative utilities may collectively pool their statewide credits to satisfy their annual funding requirements for universal system benefits programs and low-income energy assistance.

(4) A utility's ~~transition~~ *transition* plan must describe how the utility proposes to provide for universal system benefits programs, including the methodologies, such as cost-effectiveness and need determination, used to measure the utility's level of contribution to each program.

(5) A utility's minimum annual funding requirement for low-income energy and weatherization assistance is established at 17% of the utility's annual universal system benefits funding level and is inclusive within the overall universal system benefits funding level.

(a) A utility must receive credit toward the utility's low-income energy assistance annual funding requirement for the utility's internal low-income energy assistance programs or activities.

(b) If a utility's credit for internal activities does not satisfy its annual funding requirement, then the utility shall make a payment for any difference to the universal low-income energy assistance fund established in 69-8-412.

(6) An individual customer may not bear a disproportionate share of the local utility's funding requirements, and a sliding scale must be implemented to provide a more equitable distribution of program costs.

(7) (a) A large customer:

(i) shall pay a universal system benefits programs charge with respect to the large customer's qualifying load equal to the lesser of:

(A) \$500,000, less the large customer credits provided for in this subsection (7); or

(B) the product of 0.9 mills per kilowatt hour multiplied by the large customer's total kilowatt hour purchases, less large customer credits with respect to that qualifying load provided for in this subsection (7);

(ii) must receive credit toward that large customer's universal system benefits charge for internal expenditures and activities that qualify as a universal system benefits programs expenditure, and these internal expenditures must include but not be limited to:

(A) expenditures that result in a reduction in the consumption of electrical energy in the large customer's facility; and

(B) those amortized or nonamortized portions of expenditures for the purchase of power at retail or wholesale that are for the acquisition or support of renewable energy or conservation-related activities.

(b) Large customers making these expenditures must receive a credit against the large customer's universal system benefits charge, except that any of those amounts expended in a calendar year that exceed that large customer's universal system benefits charge for the calendar year must be used as a credit against those charges in future years until the total amount of those expenditures has been credited against that large customer's universal system benefits charges.

(8) A public utility shall prepare and submit an annual summary report of the public utility's activities relating to all universal system benefits programs to the commission, the department of revenue, ~~and the transition advisory committee provided for in 69-8-501, and the energy and telecommunications interim committee provided for in [section 3].~~ A cooperative utility shall prepare and submit annual summary reports of activities to the cooperative utility's respective local governing body, the statewide cooperative utility office, ~~and the transition advisory committee, and the energy and telecommunications interim committee.~~ The statewide cooperative utility office shall prepare and submit an annual summary report of the activities of individual cooperative utilities, including a summary of the pooling of statewide credits, as provided in subsection (3), to the department of revenue ~~and to the transition advisory committee and the energy and telecommunications interim committee.~~ The annual report of a public utility or of the statewide cooperative utility office must include but is not limited to:

(a) the types of internal utility and customer programs being used to satisfy the provisions of this chapter;

(b) the level of funding for those programs relative to the annual funding requirements prescribed in subsection (2); and

(c) any payments made to the statewide funds in the event that internal funding was below the prescribed annual funding requirements.

(9) A utility or large customer filing for a credit shall develop and maintain appropriate documentation to support the utility's or the large customer's claim for the credit.

(10)(a) A large customer claiming credits for a calendar year shall submit an annual summary report of its universal system benefits programs activities and expenditures to the department of revenue and to the large customer's utility. The annual report of a large customer must identify each qualifying project or expenditure for which it has claimed a credit and the amount of the credit. Prior approval by the department of revenue or the utility is not required, except as provided in subsection (10)(b).

(b) If a large customer claims a credit that the department of revenue disallows in whole or in part, the large customer is financially responsible for the disallowance. A large customer and the large customer's utility may mutually agree that credits claimed by the large customer be first approved by the utility. If the utility approves the large customer credit, the utility may be financially responsible for any subsequent disallowance."

Section 16. Section 69-8-403, MCA, is amended to read:

"69-8-403. Commission authority — rulemaking authority. (1) Beginning on the effective date of a commission order regarding a public utility's

~~transition~~ *transition* plan, the commission shall regulate the public utility's retail transmission, ~~and~~ distribution, ~~and default supply~~ services within the state of Montana, as provided in this chapter, ~~and may not regulate the price of electricity supply except as electricity supply may be procured as provided in this section:~~

~~(a) by one or more default suppliers for those customers not being served by a competitive supplier; or~~

~~(b) by the distribution function of a public utility for those customers that are not being served by a competitive electricity supplier as provided by commission rules. During the transition period, those procurements may include a cost-based contract from a supply affiliate or an unregulated division.~~

~~(2) The commission shall decide if there is workable competition in the electricity supply market by determining whether competition is sufficient to inhibit monopoly pricing or anticompetitive price leadership. In reaching a decision, the commission may not rely solely on market share estimates.~~

~~(3)~~(2) The commission shall license electricity suppliers and enforce licensing provisions pursuant to 69-8-404.

~~(4)~~(3) The commission shall promulgate rules that identify the licensees and ensure that the offered electricity supply is provided as offered and is adequate in terms of quality, safety, and reliability.

~~(5)~~(4) The commission shall establish just and reasonable rates through established ratemaking principles for public utility *default supply*, distribution, and transmission services and shall regulate these services. The commission may approve rates and charges for ~~electricity distribution and transmission~~ *those* services based on alternative forms of ratemaking such as performance-based ratemaking, on a demonstration by the public utility that the alternative method complies with this chapter, and on the public utility's ~~transition~~ *transition* plan.

~~(6)~~(5) The commission shall certify that a cooperative utility has adopted a ~~transition~~ *transition* plan that complies with this chapter. A cooperative utility's ~~transition~~ *transition* plan is considered certified 60 days after the cooperative utility files for certification.

~~(7)~~(6) The commission shall promulgate rules that protect consumers, distribution services providers, and electricity suppliers from anticompetitive and abusive practices.

~~(8) The commission shall license default suppliers and enforce default licensing provisions pursuant to 69-8-416.~~

~~(9) The commission shall promulgate rules for the licensing of default suppliers on or before December 1, 1999.~~

~~(10) Until the commission has determined that workable competition has developed for small customers, a default supplier's obligation to serve remains.~~

(7) (a) After July 1, 2010, the commission shall continuously monitor whether or not workable competition has developed for small customers.

(b) If the commission determines that workable competition has developed for small customers after July 1, 2010, the commission shall provide a report to the legislature that includes recommendations for legislative implementation of customer choice for small customers.

~~(11)~~(8) In addition to promulgating rules expressly provided for in this chapter, the commission may promulgate any other rules necessary to carry out the provision of this chapter.

~~(12)~~(9) This chapter does not give the commission the authority to:

(a) regulate cooperative utilities in any manner other than reviewing certification filings for compliance with this chapter; or

(b) compel any change to a cooperative utility's certification filing made pursuant to this chapter."

Section 17. Section 69-8-408, MCA, is amended to read:

"69-8-408. Penalties — license revocation. (1) The commission may begin a proceeding to revoke or suspend a license of an electricity supplier, impose a penalty, or both, for just cause on the commission's own investigation or upon the complaint of an affected party if it is established that the electricity supplier:

(a) intentionally provided false information to the commission;

(b) ~~switched, the electricity supply for a customer or caused to be switched,~~ the electricity supply for a customer ~~to be switched~~ without first obtaining the ~~customers~~ customer's written permission;

(c) failed to provide a reasonably adequate supply of electricity for its customers in Montana; or

(d) committed fraud or engaged in deceptive practices.

(2) Any person selling or offering to sell electricity in this state in violation of 69-8-404, 69-8-410, and this section is subject to a fine of not less than \$100 or more than \$1,000 for the violation or a license revocation or suspension. Each day of each violation constitutes a separate violation.

~~(3) The fine must be recovered in a civil action upon the complaint by the commission in any court of competent jurisdiction.~~

~~(4)~~(3) A license revocation proceeding under this section is a contested case proceeding pursuant to the Montana Administrative Procedure Act, Title 2, chapter 4, part 6.

(4) (a) *If a distribution services provider provides or contracts for the provision of emergency electricity supply and related services to retail customers, the electricity supplier that should have provided the electricity shall reimburse the distribution services provider for the higher of the customers' contracted electricity supply rates or the existing market rates multiplied by the quantity of electricity supply service provided.*

(b) (i) *An electricity supplier's failure to deliver electricity supplies and the necessity of an emergency supply response by the distribution services provider pursuant to 69-8-208 is justification for a commission proceeding to revoke or suspend a license of an electricity supplier, impose a penalty, or both.*

(ii) *For purposes of this subsection (4), the actual costs and rates for the electricity provided by the distribution services provider as emergency supply must be used as the basis of any fine levied on an electricity supplier pursuant to subsection (4)(b)(i). The fine must be determined by an amount to be applied to actual costs and rates of electricity provided for the emergency service. The commission shall determine the amount to be used and how the amount is applied.*

(5) *Fines imposed under this section must be recovered in a civil action upon a complaint filed by the commission in any court of competent jurisdiction.*"

Section 18. Section 69-8-409, MCA, is amended to read:

"69-8-409. Bill information — customer nonpayment — commission rulemaking. (1) ~~Electrical~~ Electricity bills to consumers must disclose each component of the ~~electrical~~ bill in accordance with rules promulgated by the commission. ~~Electrical~~ Electricity bills must disclose but are not limited to the following:

- (a) distribution ~~and transmission~~ and transmission charges;
- ~~(b)~~(b) electricity supply charges;
- ~~(c)~~(c) ~~competitive transition~~ transition charges; and
- ~~(d)~~(d) universal system benefits charges.

(2) The commission shall promulgate rules establishing the procedures relating to how and when an electricity supplier may discontinue service to a customer because of the ~~customers~~ customer's nonpayment and the procedures relating to reconnection, except that those rules may not apply to electricity suppliers that are cooperative utilities.

(3) Local governing bodies of a cooperative utility shall retain authority for cooperative utilities regarding:

- (a) customer nonpayment and reconnection; and
- (b) information contained in ~~electrical~~ electricity bills to consumers."

Section 19. Section 69-8-503, MCA, is amended to read:

"69-8-503. ~~Transition~~ Transition costs financing. (1) A utility may, ~~after July 1, 1997,~~ apply to the commission for a determination that certain ~~transition~~ transition costs may be recovered through the issuance of ~~transition~~ transition bonds. If ~~transition~~ transition bonds are issued, cost savings associated with and resulting from the bonds must benefit customers. After the issuance of a financing order, the utility retains sole discretion regarding whether to sell, assign, or otherwise transfer or pledge ~~transition~~ transition property or to cause the ~~transition~~ transition bonds to be issued, including the right to defer or postpone the sale, assignment, transfer, pledge, or issuance. If ~~transition~~ transition bonds are not issued within 4 years of the issuance of the financing order, the financing order must terminate. The utility may apply for an extension or renewal of a financing order.

(2) (a) The commission may issue financing orders in accordance with this section to facilitate the recovery, reimbursement, financing, or refinancing of ~~transition~~ transition costs and the acquisition of ~~transition~~ transition property. A financing order may be adopted only upon the application of a utility and may ~~only~~ become effective in accordance with its terms ~~only~~ after the utility files with the commission the utility's written consent to all terms and conditions of the financing order. A financing order may specify how amounts collected from a customer are allocated between fixed ~~transition~~ transition amounts and other charges.

(b) A financing order must include, without limitation, a procedure for the expeditious approval by the commission of periodic adjustments to nonbypassable rates and charges associated with fixed ~~transition~~ transition amounts included in the order to ensure recovery of all ~~transition~~ transition costs and the costs of capital associated with the proposed recovery,

reimbursement, financing, or refinancing of ~~transition~~ *transition* costs and the acquisition of ~~transition~~ *transition* property, including the costs of issuing, servicing, and retiring the ~~transition~~ *transition* bonds contemplated by the financing order. The order must set forth the term over which the ~~transition~~ *transition* bonds are to be paid, but those terms may not exceed 20 years. These adjustments may not impose fixed ~~transition~~ *transition* amounts upon customer classes that were not subject to the fixed ~~transition~~ *transition* amounts in the pertinent financing order.

(3) (a) Notwithstanding any other provision of law, and except as otherwise provided in this section with respect to ~~transition~~ *transition* property that has been made the basis for the issuance of ~~transition~~ *transition* bonds and upon the issuance of ~~transition~~ *transition* bonds, the financing orders and the fixed ~~transition~~ *transition* amounts must be irrevocable.

(b) If ~~transition~~ *transition* bonds have been issued, the commission may not by rescinding, altering, or amending the financing order or otherwise:

(i) revalue or revise for ratemaking purposes the ~~transition~~ *transition* costs or the costs of recovering, reimbursing, financing, or refinancing the ~~transition~~ *transition* costs and acquiring ~~transition~~ *transition* property;

(ii) determine that the fixed ~~transition~~ *transition* amounts or rates are unjust or unreasonable; or

(iii) in any way reduce or impair the value of ~~transition~~ *transition* property either directly or indirectly by taking fixed ~~transition~~ *transition* amounts into account when setting other rates for the utility.

(c) The total amount of the ~~transition~~ *transition* property may not be subject to reduction, impairment, postponement, or termination.

(d) Except as otherwise provided in this section, the state pledges and agrees with the assignees and pledgees of ~~transition~~ *transition* property and ~~transition~~ *transition* bondholders that the state may not limit or alter the fixed ~~transition~~ *transition* amounts, ~~transition~~ *transition* property, financing orders, or any right under the bonds until the bonds, together with the interest on the bonds, are fully met and discharged. The board, as agent for the state, is authorized to include this pledge and undertaking for the state in these bonds.

(e) Notwithstanding any other provision of this section, the commission shall approve those adjustments to the fixed ~~transition~~ *transition* amounts ~~as that~~ may be necessary to ensure timely recovery of all ~~transition~~ *transition* costs that are the subject of the pertinent financing order and the costs of capital associated with the recovery, reimbursement, financing, or refinancing of ~~transition~~ *transition* costs and acquiring ~~transition~~ *transition* property including the costs of issuing, servicing, and retiring the ~~transition~~ *transition* bonds contemplated by the financing order. The adjustments may not impose fixed ~~transition~~ *transition* amounts upon customer classes that were not subject to the fixed ~~transition~~ *transition* amounts in the pertinent financing order.

(4) (a) Financing orders do not constitute a debt or liability of the state or of any political subdivision of the state if issued through the board and do not constitute a pledge of the full faith and credit of the state or any of the state's political subdivisions if issued through the board. The financing orders are payable solely from the funds provided under this section. The bonds and offering documents must contain on their face a statement to the following effect:

This bond may not constitute an indebtedness or a loan of credit of the state of Montana or any political subdivision of the state of Montana within any constitutional or statutory provision. Neither the full faith and credit nor the taxing power of the state of Montana is pledged to the payment of the principal or interest on this bond, and neither the state of Montana nor any political subdivision of the state of Montana is obligated, directly, indirectly, or contingently, to levy or to pledge any form of taxation or to make any appropriation for the payment of this bond. This bond is a limited obligation of the issuer, payable solely out of the ~~transition~~ *transition* property or the proceeds of that property specifically pledged for its payment and not otherwise.

(b) The issuance of bonds under this section may not directly, indirectly, or contingently obligate the state or any political subdivision of the state to levy or to pledge any form of taxation or to make any appropriation for bond payment.

(5) The commission shall establish procedures for the expeditious processing of applications for financing orders, including the approval or disapproval of applications within 120 days after a utility submits a complete application. The commission shall provide in any financing order for a procedure for the expeditious approval by the commission of periodic adjustments to the fixed ~~transition~~ *transition* amounts that are the subject of the pertinent financing order pursuant to subsection (2). The commission shall determine on each anniversary of the issuance of the financing order and at additional intervals as may be provided for in the financing order whether the adjustments are required and shall provide for the adjustments, if required, to be approved within 60 days of each anniversary of the issuance of the financing order or of each additional interval provided for in the financing order.

(6) Fixed ~~transition~~ *transition* amounts become ~~transition~~ *transition* property when and to the extent that a financing order authorizing the fixed ~~transition~~ *transition* amounts has become effective in accordance with subsection (2), and the ~~transition~~ *transition* property must thereafter continuously exist as property for all purposes with all of the rights and privileges of this chapter for the period and to the extent provided in the financing order or until the ~~transition~~ *transition* bonds are paid in full, including all principal, interest, premium, costs, and arrearages on the ~~transition~~ *transition* bonds.

(7) ~~Transition~~ *Transition* bonds may be issued upon commission approval in the pertinent financing order. ~~Transition~~ *Transition* bonds must specify that they do not provide recourse to the credit or any assets of the utility, other than the ~~transition~~ *transition* property as specified in the pertinent financing order.

(8) (a) A utility may sell, assign, or transfer all or portions of the utility's interest in ~~transition~~ *transition* property to an assignee. A utility or an assignee may further sell, assign, or transfer the utility's interest in that ~~transition~~ *transition* property to one or more assignees in connection with the issuance of ~~transition~~ *transition* bonds to the extent approved in the pertinent financing order.

(b) A utility or an assignee may pledge ~~transition~~ *transition* property as collateral for ~~transition~~ *transition* bonds to the extent approved in the pertinent financing order and may provide for a security interest in the ~~transition~~ *transition* property as provided in this section.

(c) ~~Transition~~ *Transition* property may be sold, assigned, or transferred for the benefit of:

(i) ~~transition~~ *transition* bondholders in connection with the exercise of remedies upon a default; or

(ii) any person acquiring the ~~transition~~ *transition* property after a sale, assignment, or transfer pursuant to this section.

(9) (a) To the extent that any interest in ~~transition~~ *transition* property is sold, assigned, transferred, or pledged as collateral, the commission shall authorize the utility to contract with any assignee so that the utility will, subject to the utility's rights under subsection (18):

(i) continue to operate the utility's system and to provide service to the utility's customers;

(ii) collect amounts in respect of the fixed ~~transition~~ *transition* amounts for the benefit and account of the assignee; and

(iii) account for and remit these amounts to or for the account of the assignee.

(b) Contracting with the assignee in accordance with the commission's authorization may not impair or negate the characterization of the sale, assignment, transfer, or pledge as a true sale, an absolute assignment or transfer, or a grant of a security interest, as applicable.

(10) Notwithstanding any other provision of law, any provision under this section or under a financing order requiring that the commission take or refrain from taking action with respect to the subject matter of a financing order binds the commission and any successor commission or agency exercising functions similar to the commission, and the commission or any successor commission or agency may not rescind, alter, or amend that requirement in a financing order.

(11) A pledge or any other security interest in ~~transition~~ *transition* property is valid, is enforceable against the pledgor and third parties, including judgment lien creditors, subject only to the rights of any third parties holding security interests in the ~~transition~~ *transition* property perfected in the manner described in this section, and attaches only when all of the following have taken place:

(a) the commission has issued the financing order authorizing the fixed ~~transition~~ *transition* amounts included in the ~~transition~~ *transition* property;

(b) value has been given by the pledgees of the ~~transition~~ *transition* property; and

(c) the pledgor has signed a security agreement or other financing-related agreement covering the ~~transition~~ *transition* property.

(12) (a) A valid and enforceable security interest in ~~transition~~ *transition* property is perfected only when it has attached and when a financing statement has been filed with the secretary of state in accordance with procedures that the secretary of state may establish. The financing statement must name the pledgor of the ~~transition~~ *transition* property as debtor and identify the ~~transition~~ *transition* property.

(b) Any description of the ~~transition~~ *transition* property is sufficient if the description refers to the financing order creating the ~~transition~~ *transition* property.

(c) The commission may require other filings with respect to the security interest in accordance with procedures the commission may establish, except that these filings may not affect the perfection of the security interest.

(13) A perfected security interest in ~~transition~~ *transition* property is a continuously perfected security interest in all revenue and proceeds arising

with respect to the ~~transition~~ *transition* property, whether or not the revenue or proceeds have accrued. Conflicting security interests must rank according to priority in time of perfection. ~~Transition~~ *Transition* property constitutes property for all purposes, including for contracts securing ~~transition~~ *transition* bonds, whether or not the revenue and proceeds arising with respect to the ~~transition~~ *transition* property have accrued.

(14) (a) Subject to the terms of the security agreement covering the ~~transition~~ *transition* property and the rights of any third parties holding security interests in the ~~transition~~ *transition* property perfected in the manner described in this section, the validity and relative priority of a security interest created under this section is not defeated or adversely affected by:

(i) the commingling of revenue arising with respect to the ~~transition~~ *transition* property with other funds of the utility that is the pledgor or transferor of the ~~transition~~ *transition* property; or

(ii) any security interest of any third party in a deposit account of that utility perfected under Title 30, chapter 9A, part 3, into which the revenue is deposited.

(b) Subject to the terms of the security agreement, upon compliance with the requirements of this section, a pledgee of the ~~transition~~ *transition* property has a perfected security interest in all cash and deposit accounts of the utility in which revenue arising with respect to the ~~transition~~ *transition* property has been commingled with other funds, but the perfected security interest must be limited to an amount no greater than the amount of the revenue with respect to the ~~transition~~ *transition* property received by the utility within 12 months before any default under the security agreement or the institution of insolvency proceedings by or against the utility, less payments from the revenue to the pledgees during that 12-month period.

(15) (a) If a default occurs under the security agreement covering the ~~transition~~ *transition* property, a pledgee of the ~~transition~~ *transition* property, subject to the terms of the security agreement, has all rights and remedies of a secured party upon default under Title 30, chapter 9A, part 6, and is entitled to foreclose or otherwise enforce the pledgee's security interest in the ~~transition~~ *transition* property, subject to the rights of any third parties holding prior security interests in the ~~transition~~ *transition* property perfected in the manner provided in this section.

(b) The commission may require in the financing order creating the ~~transition~~ *transition* property that in the event of default by the utility in payment of revenue arising with respect to the ~~transition~~ *transition* property, the commission and any successor to the commission, upon the application by a pledgee or assignee of the ~~transition~~ *transition* property and without limiting any other remedies available to the pledgees or transferees by reason of the default shall order the sequestration and payment to the pledgee or assignee of the proceeds of the ~~transition~~ *transition* property. An order must remain in full force and effect notwithstanding any bankruptcy, reorganization, or other insolvency proceedings with respect to the public utility or a debtor, pledgor, or transferor of the ~~transition~~ *transition* property.

(c) Any sum in excess of amounts necessary to pay principal, premium, if any, interest, costs, and arrearages on the ~~transition~~ *transition* bonds and other costs arising under the security agreement must be remitted to the debtor or to the pledgor as provided in the security agreement.

(16) (a) A transfer of ~~transition~~ *transition* property by a utility to an assignee or by the assignee to another assignee that the parties have in the governing documentation expressly stated to be a sale or other absolute transfer in a transaction approved or authorized in a financing order must be treated as an absolute transfer of all of the transferors right, title, and interest, as in a true sale, and not as a pledge or other financing of the ~~transition~~ *transition* property, other than for federal and state income and franchise tax purposes.

(b) Granting to ~~transition~~ *transition* bondholders a preferred right to revenue of the utility or the provision by the utility or an assignee of other credit enhancement with respect to ~~transition~~ *transition* bonds may not impair or negate the characterization of any transfer as a true sale, other than for federal and state income and franchise tax purposes.

(c) Notwithstanding the provisions of this subsection (16), for state tax purposes, a transfer must be treated as a pledge or other financing unless the governing documentation of transfer specifically states that the transfer is intended to be treated otherwise. The characterization of the transfer as a true sale or other absolute transfer in the governing documentation of a transfer is not intended to prejudice the characterization of the transfer as a pledge or other financing for federal tax purposes.

(17) A sale, assignment, or other transfer of ~~transition~~ *transition* property may ~~only~~ be considered perfected as against any third person, including any judicial lien creditor, *only* when both of the following have taken place:

(a) the financing order authorizing the fixed ~~transition~~ *transition* amounts included in the ~~transition~~ *transition* property has become effective in accordance with subsection (2); and

(b) an assignment of the ~~transition~~ *transition* property, in writing, has been executed and delivered to the transferee.

(18) (a) As between bona fide assignees of the same right for value without notice, the assignee first filing a financing statement with the secretary of state in accordance with procedures that the secretary of state may establish has priority. The financing statement must name the assignor of the ~~transition~~ *transition* property as debtor and must identify the ~~transition~~ *transition* property. Any description of the ~~transition~~ *transition* property is sufficient if the description refers to the financing order creating the ~~transition~~ *transition* property. The commission may require the assignor or the assignee to make other filings with respect to the transfer in accordance with procedures that the commission may establish, but these filings may not affect the perfection of the transfer.

(b) Any successor to the utility, whether pursuant to any bankruptcy, reorganization, or other insolvency proceeding or pursuant to any merger, sale, or transfer, by operation of law or otherwise, shall perform and satisfy all obligations of the utility pursuant to this section in the same manner and to the same extent as the utility, including but not limited to collecting and paying to the assignee or pledgee, as the case may be, revenue arising with respect to the ~~transition~~ *transition* property sold, assigned, transferred, or pledged to secure ~~transition~~ *transition* bonds.

(19) ~~Transition~~ *Transition* property or any right, title, or interest of a utility, assignee, or pledgee described in the definition of ~~transition~~ *transition* property, whether before or after the issuance of a financing order, does not constitute an account or general intangibles as those terms are defined in 30-9A-102. Any

right, title, or interest pertaining to a financing order, including the interest pertaining to a financing order, along with the associated ~~transition~~ *transition* property and any revenue, collections, claims, payments, money, or proceeds of or arising from fixed ~~transition~~ *transition* amounts pursuant to the financing order, may not be considered proceeds of any right, title, or interest other than in the order and the ~~transition~~ *transition* property arising from the order.

(20) The lien under this section is enforceable against the pledgor and all third parties, including judicial lien creditors, subject only to the rights of any third parties holding security interests in the ~~transition~~ *transition* property previously perfected in the manner described in this section if value has been given by the purchasers of ~~transition~~ *transition* bonds. A perfected lien in ~~transition~~ *transition* property is a continuously perfected security interest in all revenue and proceeds arising with respect to the associated ~~transition~~ *transition* property, whether or not revenue has been accrued. ~~Transition~~ *Transition* property constitutes property for the purposes of contracts securing ~~transition~~ *transition* bonds, whether or not the related revenue has accrued. The lien created under this section is perfected and ranks before any lien, including any judicial lien, that subsequently attaches to the ~~transition~~ *transition* property, to the fixed ~~transition~~ *transition* costs, and to the financing order and any rights created by the order or any proceeds of the order. The relative priority of a lien created under this section is not defeated or adversely affected by changes to the financing order or to the fixed ~~transition~~ *transition* amounts payable by any customer.

(21) The commission shall establish and maintain a separate system of records to reflect the date and time of receipt of all filings made under this section and may provide that transfers of ~~transition~~ *transition* property to an assignee be filed in accordance with the same system.

(22) Any sale, assignment, or other transfer of ~~transition~~ *transition* property or any pledge of ~~transition~~ *transition* property is exempt from any state or local sales, income, transfers, gains, receipts, or similar taxes.

(23) The ~~transition~~ *transition* bonds issued under this chapter are exempt from the provisions of Title 30, chapter 10, but copies of all prospectus and disclosure documents must be deposited for public inspection with the state securities commissioner.

(24) The granting, perfection, and priority of security interests with respect to ~~transition~~ *transition* property and the proceeds ~~thereof~~ *of transition property* are governed by this section rather than by Title 30, chapter 9A.

(25) Upon the payment in full of ~~transition~~ *transition* bond principal and interest, the utility shall discontinue charging and collecting the competitive ~~transition~~ *transition* charge associated with that portion of the utility's approved ~~transition~~ *transition* costs.

(26) The commission may, by order or rule and subject to terms and conditions that it may prescribe, exempt any security or class of securities for which an application is required under this title or any public utility or class of public utility from the provisions of this title if it finds that the application of this title to the security, class of security, public utility, or class of public utility is not required by the public interest."

Section 20. Repealer. Sections 35-19-103, 69-8-416, 69-8-417, 69-8-501, and 69-8-502, MCA, are repealed.

Section 21. Codification instruction. [Section 3] is intended to be codified as an integral part of Title 5, chapter 5, part 2, and the provisions of Title 5, chapter 5, part 2, apply to [section 3].

Section 22. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 23. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 24. Effective date. [This act] is effective July 1, 2003.

Approved May 5, 2003

CHAPTER NO. 566

[HB 539]

AN ACT REVISING THE PROVISIONS OF THE FAMILY EDUCATION SAVINGS ACT; CHANGING TERMINOLOGY TO CONFORM TO CHANGES IN FEDERAL LAW; CLARIFYING THE DUTIES OF THE BOARD OF REGENTS AND THE PROGRAM MANAGER'S RESPONSIBILITIES RELATING TO NONQUALIFIED WITHDRAWALS; CLARIFYING THE PROCEDURES INVOLVING INVESTMENT PRODUCTS WHEN A PROGRAM MANAGER IS TERMINATED; DEFINING "INVESTMENT PRODUCTS"; AND AMENDING SECTIONS 15-30-604, 15-62-103, 15-62-201, 15-62-203, 15-62-206, 15-62-207, 20-25-901, AND 20-25-902, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-30-604, MCA, is amended to read:

"15-30-604. (Temporary) Montana farm and ranch risk management account — creation — administration. (1) A Montana farm and ranch risk management account is a trust created or organized in the state for the exclusive benefit of the taxpayer. The account trustee must be a financial institution, *other than an investment adviser*, as defined in 15-62-103, supervised by the United States or by the state of Montana. The trust must be created by written instrument.

(2) The trustee may not accept any deposit for any tax year in excess of the amount allowed as a deduction under 15-30-603.

(3) The trustee shall report to the department if a portion of a deposit is distributed within 6 months of the date of deposit.

(4) The assets of the trust must consist entirely of cash or of obligations that have adequate stated interest and that pay the interest at least annually.

(5) All income of the trust must be distributed currently to the grantor.

(6) The assets of the trust may not be commingled with other property except in a common trust fund or common investment fund. (Terminates on occurrence of contingency—sec. 9, Ch. 262, L. 2001.)"

Section 2. Section 15-62-103, MCA, is amended to read:

"15-62-103. Definitions. As used in this chapter, the following definitions apply:

(1) "Account" means an individual trust account or savings account established under this chapter.

(2) "Account owner" means the person designated at the time that an account is opened as having the right to withdraw money from the account before the account is disbursed to or for the benefit of the designated beneficiary.

(3) "Board" means the board of regents of higher education established by Article X, section 9, subsection (2), of the Montana constitution and 2-15-1505.

(4) "Committee" means the family education savings program oversight committee established in 20-25-901.

(5) "Designated beneficiary" means, with respect to an account, the person designated at the time that the account is opened as the person whose higher education expenses are expected to be paid from the account or if this person is replaced in accordance with 15-62-202, the individual replacing the former designated beneficiary.

(6) "Financial institution" means any bank, commercial bank, national bank, savings bank, savings and loan association, credit union, insurance company, trust company, ~~mutual fund~~ investment adviser, or other similar entity that is authorized to do business in this state.

(7) "Higher education institution" means an eligible educational institution as defined in section 529(e)(5) of the Internal Revenue Code, 26 U.S.C. 529(e)(5).

(8) "Investment products" means, without limitation, certificates of deposit, savings accounts paying fixed or variable interest, financial instruments, one or more mutual funds, and a mix of mutual funds.

~~(8)~~(9) "Member of the family" means, with respect to a designated beneficiary, a member of the family of the designated beneficiary as defined in section 529(e)(2) of the Internal Revenue Code, 26 U.S.C. 529(e)(2).

~~(9)~~(10) "Nonqualified withdrawal" means a withdrawal from an account that is not:

(a) a qualified withdrawal;

(b) a withdrawal made as the result of the death or disability of the designated beneficiary of an account;

(c) a withdrawal that is made on the account of a scholarship or the allowance or payment described in section 135(d)(1)(B) or (d)(1)(C) of the Internal Revenue Code, 26 U.S.C. 135(d)(1)(B) or (d)(1)(C), and that is received by the designated beneficiary; or

(d) a rollover or change of designated beneficiary described in 15-62-202.

~~(10)~~(11) "Program" means the family education savings program established pursuant to 15-62-201. The program must be structured to permit the long-term accumulation of savings that can be used to finance all or a share of the costs of higher education.

~~(11)~~(12) "Qualified higher education expenses" means qualified higher education expenses as defined in section 529(e)(3) of the Internal Revenue Code, 26 U.S.C. 529(e)(3).

~~(12)~~(13) "Qualified withdrawal" means a withdrawal from an account to pay the qualified higher education expenses of the designated beneficiary of the account."

Section 3. Section 15-62-201, MCA, is amended to read:

"15-62-201. Program requirements — application — establishment of account — qualified and nonqualified withdrawal — penalties. (1) A person who wishes to deposit money into an account to pay the qualified higher education expenses of a designated beneficiary shall:

(a) complete an application on the form prescribed by the board that includes:

(i) the name, address, and social security number or employer identification number of the contributor;

(ii) the name, address, and social security number of the account owner if the account owner is not the contributor;

(iii) the name, address, and social security number of the designated beneficiary;

(iv) the certification relating to no excess contributions adopted by the board pursuant to 20-25-902; and

(v) any other information required by the board;

(b) pay the one-time application fee established by the board;

(c) make the minimum contribution required by the board or by opening an account; and

(d) designate the type of account to be opened if more than one type of account is offered.

(2) A person shall make contributions to an opened account in cash.

(3) An account owner may withdraw all or part of the balance from an account under rules prescribed by the board. ~~to enable~~ *The rules must be used to help the board or program manager to determine if a withdrawal is a nonqualified withdrawal or a qualified withdrawal to the extent that the board concludes that it is necessary for the board or program manager to make that determination.* The rules may require that:

(a) account owners seeking to make a qualified withdrawal or other withdrawal that is not a nonqualified withdrawal shall provide certifications, copies of bills for qualified higher education expenses, or other supporting material;

(b) qualified withdrawals from an account be made only by a check payable jointly to the designated beneficiary and a higher education institution; and

(c) withdrawals not meeting certain requirements be treated as nonqualified withdrawals by the program manager, and if these withdrawals are not nonqualified withdrawals, the account owner shall seek refunds of penalties directly from the board.

(4) ~~If the board determines that it is required to impose a penalty on nonqualified withdrawal is made from an account, withdrawals for the program to qualify as a qualified state tuition program or a qualified tuition program under section 529 of the Internal Revenue Code, 26 U.S.C. 529, the board may impose a penalty in an amount equal to 10% of the portion of the proposed withdrawal that would constitute income as determined in accordance with~~

section 529 of the Internal Revenue Code, 26 U.S.C. 529. *The penalty* must be withheld ~~as a penalty~~ and paid to the board for use in operating and marketing the program and for state student financial aid.

(5) The board, by rule, shall increase the percentage of the penalty prescribed in subsection (4) or change the basis of this penalty if the board determines that the amount of the penalty must be increased to constitute a minimum penalty for purposes of qualifying the program as a qualified state tuition program *or a qualified tuition program* under section 529 of the Internal Revenue Code, 26 U.S.C. 529.

(6) The board may decrease the percentage of the penalty prescribed in subsection (4) if:

(a) the penalty is greater than is required to constitute a minimum penalty for purposes of qualifying the program as a qualified state tuition program *or qualified tuition program* under section 529 of the Internal Revenue Code, 26 U.S.C. 529; or

(b) the penalty, when combined with other revenue generated under this chapter, is producing more revenue than is required to cover the costs of operating and marketing the program and to recover any costs not previously recovered.

(7) If an account owner makes a nonqualified withdrawal and a penalty ~~amount imposed under subsection (4)~~ is not withheld pursuant to subsection (4) or the amount withheld was less than the amount required to be withheld under that subsection for nonqualified withdrawals, the account owner shall pay:

(a) the unpaid portion of the penalty to the board at the same time that the account owner files a federal and state income tax return for the taxable year of the withdrawal; or

(b) if the account owner does not file a return, the unpaid portion of the penalty on the due date for federal and state income tax returns, including any authorized extensions.

(8) Each account must be maintained separately from each other account under the program.

(9) Separate records and accounting must be maintained for each account for each designated beneficiary.

(10) A contributor to, account owner of, or designated beneficiary of an account may not direct the investment of any contributions to any account or the earnings generated by the account and may not pledge the interest of an account or use an interest in an account as security for a loan.

(11) If, *pursuant to 15-62-203(10)*, the board terminates the authority of a financial institution to ~~hold accounts~~ *serve as program manager* and accounts *held by or through the program manager* must be moved from that financial institution to another financial institution, the board shall select the financial institution ~~and type of investment~~ to which ~~the balance of the account is the accounts are to be moved. If as a result of the change, the investment products in which the accounts are invested must be changed, the board shall select new investment products for the accounts unless the account owner is permitted under the applicable rules of the internal revenue service provides guidance stating that allowing the account owner to select among several financial institutions that are then contractors would not cause a plan to cease to be a~~

~~qualified state tuition plan~~ to select new investments for the account without violating rules prohibiting investment direction.

(12) If there is any distribution from an account to any person or for the benefit of any person during a calendar year, the distribution must be reported to the internal revenue service and the account owner or the designated beneficiary to the extent required by federal law.

(13) The financial institution shall provide statements to each account owner at least once each year within 31 days after the 12-month period to which they relate. The statement must identify the contributions made during a preceding 12-month period, the total contributions made through the end of the period, the value of the account as of the end of this period, distributions made during this period, and any other matters that the board requires be reported to the account owner.

(14) Statements and information returns relating to accounts must be prepared and filed to the extent required by federal or state tax law or by administrative rule.

(15) A state or local government or organizations described in section 501(c)(3) of the Internal Revenue Code, 26 U.S.C. 501(c)(3), may, without designating a designated beneficiary, open and become the account owner of an account to fund scholarships for persons whose identity will be determined after an account is opened."

Section 4. Section 15-62-203, MCA, is amended to read:

"15-62-203. Selection of financial institution as account depository and program manager — contract — termination. (1) The board shall implement the program through the use of one or more financial institutions to act as the ~~depository and program manager~~. Under the program, a person may establish accounts at ~~the location of the depository or through the program manager~~. Accounts may be invested in one or more investment products approved by the board.

(2) The committee shall solicit proposals from financial institutions to act as ~~the depositories and managers of the program~~. Financial institutions that submit proposals shall describe the ~~financial instruments~~ investment products that ~~will be held in accounts~~ they propose to offer through the program.

(3) On the recommendation of the committee, the board shall select as program ~~depositories and managers~~ the financial institution or institutions from among bidding financial institutions that demonstrate the most advantageous combination, both to potential program participants and to this state, of:

- (a) financial stability and integrity;
- (b) the safety of the investment ~~instruments~~ products being offered, taking into account any insurance provided with respect to these ~~instruments~~ products;
- (c) the ability of the investment ~~instruments~~ products to track estimated costs of higher education as calculated by the board and provided by the financial institution to the account holder;
- (d) the ability of the financial institutions, directly or through a subcontract, to satisfy recordkeeping and reporting requirements;

(e) the financial institution's plan for promoting the program and the investment that it is willing to make to promote the program;

(f) the fees, if any, proposed to be charged to persons for maintaining accounts;

(g) the minimum initial deposit and minimum contributions that the financial institution will require and the willingness of the financial institution or its subcontractors to accept contributions through payroll deduction plans and other deposit plans; and

(h) any other benefits to this state or its residents contained in the proposal, including an account opening fee payable to the board by the account owner to cover expenses of operation of the program and any additional fee offered by the financial institution for statewide program marketing by the board.

(4) The board shall enter into a contract with a financial institution or, except as provided in subsection (5), into contracts with financial institutions to serve as ~~depositories and~~ program managers.

(5) The ~~committee board~~ may select more than one financial institution to serve as ~~depository and~~ program manager. The ~~committee board~~ may select more than one kind of investment ~~instrument~~ *product* to be offered through the program. Any decision on the use of multiple financial institutions or multiple investment ~~instruments~~ *products* must take into account:

(a) the requirements for qualifying as a qualified state tuition program or *qualified tuition program* under section 529 of the Internal Revenue Code, §26 U.S.C. 529;

(b) differing needs of contributors regarding risk and potential return of investment instruments; and

(c) administrative costs and burdens that may be imposed as the result of the decision.

(6) A program manager or its subcontractor shall:

(a) take action required to keep the program in compliance with its contract or the requirements of this chapter to manage the program so that it is treated as a qualified state tuition ~~plan~~ *program or qualified tuition program* under section 529 of the Internal Revenue Code, 26 U.S.C. 529;

(b) keep adequate records of each account, keep each account segregated from each other account, and provide the board with the information necessary to prepare statements required by 15-62-201(12) through (14) or file these statements on behalf of the board;

(c) compile and total information contained in statements required to be prepared under 15-62-201(12) through (14) and provide these compilations to the board;

(d) if there is more than one program manager, provide the board with the information to assist the board in determining compliance with rules adopted by the board pursuant to 20-25-902 *and to comply with any state or federal tax reporting requirements*;

(e) provide representatives of the board, including other contractors or other state agencies, access to the books and records of the program manager to the extent needed to determine compliance with the contract. At least once during the term of any contract, the board, its contractor, or the state agency

responsible for examination oversight of the program manager shall conduct an examination to the extent needed to determine compliance with the contract.

(f) hold all accounts in trust for the benefit of this state and the account owner.

(7) A person may not circulate any description of the program, whether in writing or through the use of any media, unless the board or its designee first approves the description.

(8) A contract executed between the board and a financial institution pursuant to this section must be for a term of at least 3 years and not more than 7 years.

(9) If a contract executed between the board and a financial institution pursuant to this section is not renewed, at the end of the term of the nonrenewed contract:

(a) ~~accounts previously established and held in investment instruments at the financial institution~~ may not be terminated;

(b) additional contributions may be made to the accounts in existence at the time of nonrenewal of a contract; ~~and~~

(c) new accounts may not be placed with that financial institution unless a new contract is executed; *and*

(d) except as provided in subsection (10), accounts under the supervision of the program manager must continue to be invested in the financial products in which they were invested prior to the nonrenewal.

(10) The board may terminate a contract with a financial institution at any time for good cause on the recommendation of the committee. If a contract is terminated pursuant to this subsection, the board shall take custody of accounts held at that financial institution and shall seek to promptly transfer the accounts to another financial institution that is selected as a program manager and into investment ~~instruments~~ *products* as similar as possible to the original investments."

Section 5. Section 15-62-206, MCA, is amended to read:

"15-62-206. Limitations. (1) This chapter may not be construed to:

(a) give any designated beneficiary any rights or legal interest with respect to an account unless the designated beneficiary is the account owner;

(b) guarantee that a designated beneficiary will be admitted to a higher education institution or be allowed to continue enrollment at or graduate from a higher education institution located in this state after admission;

(c) establish state residency for a person merely because the person is a designated beneficiary; or

(d) guarantee that amounts saved pursuant to the program will be sufficient to cover the qualified higher education expenses of a designated beneficiary.

(2) This chapter does not establish any obligation of this state or any agency or instrumentality of the state to guarantee for the benefit of any account owner, contributor to an account, or designated beneficiary:

(a) the return of any amounts contributed to an account;

(b) the rate of interest or other return on any account; or

(c) the payment of interest or other return on any account.

(3) Under rules adopted by the board, each contract, application, ~~deposit slip, or offering or disclosure document, and any other type of document identified by the board~~ that may be used in connection with a contribution to an account must clearly indicate that the account is not insured by the state and that the principal deposited or the investment return is not guaranteed by the state."

Section 6. Section 15-62-207, MCA, is amended to read:

"15-62-207. Deductions for contributions. An individual who contributes to ~~an account~~ *one or more accounts* in a tax year is entitled to reduce the individual's adjusted gross income, in accordance with 15-30-111(8), by the total amount of the ~~contribution~~ *contributions*, but not more than \$3,000. The contribution must be made to an account owned by the contributor, the contributor's spouse, or the contributor's child, or ~~the contributor's~~ *the contributor's* stepchild if the *contributor's child or stepchild* is a Montana resident."

Section 7. Section 20-25-901, MCA, is amended to read:

"20-25-901. Family education savings program oversight committee — membership — powers and duties. (1) There is ~~created~~ a family education savings program oversight committee under the authority of the board.

(2) The committee consists of seven members appointed by the governor to staggered 4-year terms. The members must include:

(a) the commissioner of insurance or the commissioner's designee;

(b) the state treasurer or the state treasurer's designee;

(c) the presiding officer of the board or the presiding officer's designee; and

(d) four members of the general public, each of whom possesses knowledge, skill, and experience in accounting, risk management, or investment management or as an actuary.

(3) The committee shall select a presiding officer and a vice presiding officer from among the committee's membership.

(4) A majority of the membership constitutes a quorum for the transaction of business. The committee shall meet at least once a year, with additional meetings called by the presiding officer.

(5) The committee:

(a) shall recommend financial institutions for approval by the board to act as the ~~depositories and~~ managers of family education savings accounts pursuant to 15-62-201; and

(b) may submit proposed policies to the board to assist in the implementation and administration of Title 15, chapter 62.

(6) The committee is allocated to the board for administrative purposes only, as prescribed in 2-15-121.

(7) Members of the committee must be compensated as provided in 2-15-124.

(8) The definitions in 15-62-103 apply to this section."

Section 8. Section 20-25-902, MCA, is amended to read:

"20-25-902. Board — powers and duties. (1) The board shall:

(a) retain professional services, if necessary, including services of accountants, auditors, consultants, and other experts;

(b) seek rulings and other guidance relating to the program from the United States department of the treasury and the internal revenue service;

(c) make changes to the program as required for the participants in the program to obtain the federal income tax benefits or treatment provided by section 529 of the Internal Revenue Code, 26 U.S.C. 529, as amended;

(d) charge, impose, and collect administrative fees and service charges pursuant to any agreement, contract, or transaction relating to the program;

(e) select the financial institution or institutions to act as the ~~depository and~~ manager of the program pursuant to 15-62-203;

(f) on the recommendation of the committee, adopt rules to prevent contributions on behalf of a designated beneficiary in excess of those necessary to pay the qualified higher education expenses of the designated beneficiaries. The rules must address the following:

(i) procedures for aggregating the total balances of multiple accounts established for a designated beneficiary;

(ii) the establishment of a maximum total balance that may be held in accounts for a designated beneficiary;

(iii) requirements that persons who contribute to an account certify that to the best of their knowledge, the balance in all qualified state tuition programs, as defined in section 529 of the Internal Revenue Code, 26 U.S.C. 529, for the designated beneficiary does not exceed the lesser of:

(A) a maximum college savings amount established by the board; or

(B) the cost in current dollars of qualified higher education expenses that the contributor reasonably anticipates the designated beneficiary will incur;

(iv) requirements that any excess balances with respect to a designated beneficiary be promptly withdrawn in a nonqualified withdrawal or rolled over to another account in accordance with this section; and

(g) adopt procedures as necessary to implement Title 15, chapter 62.

(2) The definitions in 15-62-103 apply to this section.”

Approved May 5, 2003

CHAPTER NO. 567

[HB 564]

AN ACT CREATING THE PRIMARY SECTOR BUSINESS WORKFORCE TRAINING ACT TO ASSIST COMMUNITY ECONOMIC DEVELOPMENT BY PROVIDING TRAINING FOR EXISTING WORKERS AND INCENTIVES FOR BUSINESSES TO LOCATE AND EXPAND WITHIN THE STATE THROUGH GOVERNMENT-ASSISTED NEW JOBS TRAINING; PROVIDING CRITERIA FOR GRANT ELIGIBILITY; PROVIDING TEMPORARY FUNDING FOR WORKFORCE TRAINING GRANTS THROUGH BOARD OF INVESTMENT LOANS, WHICH WILL BE REPAYED THROUGH A NEW JOBS CREDIT THAT IS GENERATED FROM THE CREATION OF PERMANENT, FULL-TIME JOBS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, AN APPLICABILITY DATE, AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Short title. [Sections 1 through 7] may be cited as the “Primary Sector Business Workforce Training Act”.

Section 2. Purpose. (1) The Primary Sector Business Workforce Training Act is created to meet the training needs of existing industries in the state and to provide incentives to businesses to locate and expand within the state through government-assisted new jobs training.

(2) It is the intent of the legislature to provide training funds for businesses to train and educate employees, which will result in the production of high-wage and high-skilled jobs that will increase the earning potential and employment opportunities for Montana employees and enhance the state's economy.

Section 3. Definitions. As used in [sections 1 through 7], the following definitions apply:

(1) “Average weekly wage” has the meaning provided in 39-71-116.

(2) “Eligible training provider” means:

(a) a unit of the university system, as defined in 20-25-201;

(b) a community college district, as defined in 20-15-101;

(c) an accredited, tribally controlled community college located in the state of Montana; or

(d) an entity approved to provide workforce training that is included on the eligible training provider list.

(3) “Eligible training provider list” means the list maintained by the department of labor and industry of those eligible training providers who may be used to provide workforce training under a grant authorized in [section 5].

(4) “Employee” means the individual employed in a new job.

(5) “Employer” means the individual, corporation, partnership, or association providing new jobs and entering into a grant contract.

(6) “Full-time job” means a predominantly year-round position requiring an average of 35 hours of work each week.

(7) (a) “New job” means a newly created full-time job in an eligible business.

(b) The term does not include:

(i) jobs for recalled employees returning to positions held previously, for replacement employees, or for employees newly hired as a result of a labor dispute, part-time or seasonal jobs, or other jobs that previously existed within the employment of the employer in the state; or

(ii) jobs created by an employer as the result of an acquisition of a Montana company or entity if those jobs previously existed in the state of Montana in the acquired company or entity unless it is demonstrated that the jobs:

(A) are substantially different as a result of the acquisition; and

(B) will require new training for the employee to meet new job requirements.

(8) “New jobs credit” means the credit provided in [section 6].

(9) “Office of economic development” means the office of economic development established in 2-15-218.

(10) “Primary sector business” means an employer engaged in expanding operations within Montana, which through the employment of knowledge or

labor, adds value to a product, process, or export service that results in the creation of new wealth, and for which at least 50% of the sales of the employer occur outside of Montana or the employer is a manufacturing company with at least 50% of its sales to other Montana companies that have 50% of their sales occurring outside of Montana.

(11) "Primary sector business training program" or "program" means the grant provided to employers for the purpose of working with eligible training providers to provide employees with education and training required for jobs in new or expanding primary sector businesses in the state.

(12) (a) "Program costs" means all necessary and incidental costs of providing program services.

(b) The term does not include the cost of purchase of equipment to be owned or utilized by the eligible training provider.

(13) "Program services" means training and education specifically directed to the new jobs, including:

- (a) all direct training costs, such as:
 - (i) program promotion;
 - (ii) instructor wages, per diem, and travel;
 - (iii) curriculum development and training materials;
 - (iv) lease of training equipment and training space;
 - (v) miscellaneous direct training costs;
 - (vi) administrative costs; and
 - (vii) assessment and testing;
- (b) in-house or on-the-job training; and
- (c) subcontracted services with eligible training providers.

Section 4. Grant review committee — appointment — powers and duties — rulemaking authority. (1) There is a seven-member loan review committee, as follows:

(a) two representatives from the private sector representing economic development, appointed by the governor;

(b) two representatives from the business community, one appointed by the president of the senate and one appointed by the speaker of the house, one of whom serves on a local workforce investment board;

(c) one representative from the governor's office, appointed by the governor;

(d) one representative from the department of revenue, appointed by the governor; and

(e) one representative from the department of labor and industry, appointed by the governor.

(2) The committee shall award training grants to a primary sector business qualified under [section 5] after a determination that the primary sector business:

(a) has prospects for achieving commercial success and for creating new jobs in the state;

(b) has prospects for collaboration between the public and private sectors of the state's economy;

(c) has potential for commercial success related to the specific product, process, or business development methodology proposed;

(d) can provide matching funds; and

(e) can be reasonably expected to provide an economic return within a reasonable period of time.

(3) A committee member may not personally apply for or receive a primary sector business workforce training grant. If an organization with which a member is affiliated applies for a grant, the member shall disclose the nature of the affiliation and, if the committee member is a board member or officer of the organization, may not participate in the decision of the committee regarding the grant application.

(4) The committee shall adopt rules to:

(a) provide for grant application procedures;

(b) develop procedures for awarding grants pursuant to the criteria provided in [section 5]; and

(c) develop independent review and audit procedures to ensure that grants made are used for the purposes identified in the grant contracts.

(5) All decisions of the committee are final and are not subject to the contested case provisions of Title 2, chapter 4.

(6) The committee is allocated to the office of economic development for administrative purposes only as provided in 2-15-121.

Section 5. Primary sector business workforce training grants — eligibility. (1) The grant review committee provided for in [section 4] may award workforce training grants to primary sector businesses that provide education or skills-based training, through eligible training providers from the eligible training provider list, for employees in new jobs.

(2) To be eligible for a grant, an applicant shall demonstrate that at least 50% of the applicant's sales will be from outside of Montana or that the applicant is a manufacturing company with 50% of its sales from companies that have 50% of their sales outside of Montana and must meet at least one of the following criteria:

(a) be a value-adding business as defined by the Montana board of investments;

(b) demonstrate a significant positive economic impact to the region and state beyond the job creation involved;

(c) provide a service or function that is essential to the locality or the state; or

(d) be a for-profit or a nonprofit hospital or medical center providing a variety of medical services for the community or region.

(3) An applicant shall also provide a match of at least \$1 for every \$3 requested. The match:

(a) must be from new, unexpended funds available at the time of application;

(b) may include new loans and investments and expenditures for direct project-related costs such as new equipment and buildings. The committee may consider recent purchases of fixed assets directly related to the proposal on a case-by-case basis. A purchase of fixed assets directly related to the proposed training activities that have been made within 90 days after submission of the application may be considered eligible by the department.

(4) (a) Except as provided in subsection (4)(c), a grant provided under this section may not exceed \$5,000 for each full-time position for which an employee is being trained. A grant may be provided only for a new job that has an average weekly wage that meets or exceeds the lesser of Montana's current average weekly wage, the current average weekly wage of the county in which the employees are to be principally employed, or for jobs that will be principally located on a reservation, the current average weekly wage of the reservation.

(b) The office of economic development may consider the value of employee benefits in calculating the expected annual wage.

(c) The committee may, in exceptional circumstances, consider a higher grant ceiling for jobs that will pay significantly higher wages and benefits if the need for higher training costs is documented in the application.

(d) A grant provided under this section may not exceed an amount greater than the present value of expected incremental tax receipts, as described in [section 6], that are expected over the 10-year period immediately following the grant award. The committee shall consider the loan rate established by the board of investments pursuant to the Municipal Finance Consolidation Act of 1983 that is in effect at the time of the grant and the state personal income tax rates in effect or those rates scheduled to take effect in calculating the maximum grant amount.

(5) A primary sector business workforce training program must involve at least 10 new jobs unless unique circumstances are documented that indicate a significant, positive, secondary impact to the local economy. Funding ceilings will be determined by the availability of funding, the cost for each job, and the quality of the primary sector business proposal.

(6) The grant application, at a minimum, must contain:

(a) a business plan containing information that is sufficient for the committee to obtain an adequate understanding of the business to be assisted, including the products or services offered, estimated market potential, management experience of principals, current financial position, and details of the proposed venture. In lieu of a business plan, the committee may consider a copy of the current loan application to entities such as the Montana board of investments, the federal business and industry guarantee program, or the small business administration.

(b) financial statements and projections for the 2 most recent years of operation and projections for each of the 2 years following the grant, including but not limited to balance sheets, profit and loss statements, and cash flow statements. A business operating for less than 2 years shall provide all available financial statements.

(c) a hiring and training plan, which must include:

(i) a breakdown of the jobs to be created or retained, including the number and type of jobs that are full-time, part-time, skilled, semiskilled, or unskilled positions;

(ii) a timetable for creating the positions and the total number of employees to be hired;

(iii) an assurance that the business will comply with the equal opportunity and nondiscrimination laws;

(iv) procedures for outreach, recruitment, screening, training, and placement of employees;

- (v) a description of the training curriculum and resources;
- (vi) written commitments from any agency or organization participating in the implementation of the hiring plan; and
- (vii) a description of the type and method of training to be provided to employees, the starting wage and wage to be paid after training for each position, the job benefits to be paid or provided, and any payment to eligible training providers.

(7) If the committee determines that an applicant meets the criteria established in this section and has complied with the applicable procedures and review processes established by the committee, the committee may award a primary sector business workforce development grant to the employer and authorize the disbursement of funds to the primary sector business.

(8) (a) A contract with a grant recipient must contain provisions:

(i) certifying that the full amount of the grant will be reimbursed in the event that the primary sector business ceases operation within 12 months from the time that the grant is awarded;

(ii) requiring the employer receiving the grant to repay any shortfall in the personal income tax revenues to the state, as calculated in [section 6], that are the result of the company failing to meet the number of jobs or pay level of those jobs described in the final grant application. A shortfall in any fiscal year must be accessed against and paid by the company in the next fiscal year.

(iii) providing the department with annual reports and a final closeout report that documents the higher wages paid to an employee upon completion of the training.

(b) The contract must be signed by the person in the primary sector business who is assigned the duties and responsibilities for training and the overall success of the program and by the primary sector business's chief executive.

Section 6. New jobs credit — loan repayment. A grant made under [section 5] for program costs must be repaid by a new jobs credit, which must be calculated and paid as follows:

(1) New jobs credit must be based on the gross wages paid for new jobs created.

(2) Each employer receiving a grant under the program shall report the gross wages paid for each new job for which training grants under the program were received. Gross wages must be reported for the 12-month period following a grant award and for each subsequent 12-month period until the principal on the loan, issued under [section 7] and used to fund the grant award, is repaid.

(3) The employer shall provide any additional information required by the department of revenue to calculate the new jobs credit.

(4) The department of revenue shall calculate the income tax receipts to the state based on the gross wages paid by the employer. The department of revenue may use a state average effective income tax rate, by income bracket, to calculate income tax receipts to the state from the program.

(5) The department of revenue shall transfer the amount of the new jobs credits from the general fund to the office of economic development, to be used for repayment of principal, interest, and administrative costs on loans issued under [section 7]. The office of economic development shall account separately for each grant award and any new jobs credit associated with that grant. Funds

transferred for a new jobs credit may be used only for repayment of principal, interest, and administrative costs for the loan that funded the grant with which the new jobs credit is associated and for the labor supply studies authorized in subsection (6). If funds transferred for a new jobs credit exceed the amount required for repayment of principal, interest, and administrative costs on the loan that funded the grant with which the new jobs credit is associated and the labor supply studies authorized in subsection (6), all remaining funds must be used for early repayment of principal on the loan associated with the new jobs credit. Transfers from the department of revenue for a new jobs credit must cease once the principal and interest on the loan used to fund the grant associated with that new jobs credit has been repaid.

(6) The office of economic development shall, in each fiscal year, retain 5% of the total of all transfer payments from the department of revenue to the office of economic development, as provided for in subsection (5), that occur in that fiscal year. These funds must be used to assist the department of labor and industry in analyzing data and reporting on the available labor supply in Montana's rural, reservation, and urban labor markets.

(7) The department of revenue may adopt rules necessary to implement this section, including but not limited to:

- (a) the development of application procedures and forms; and
- (b) requirements for submission of information necessary to process the tax credit.

Section 7. Board of investment loans. The office of economic development may obtain a maximum of \$10 million in outstanding loans from the board of investments issued pursuant to the Municipal Finance Consolidation Act of 1983 authorized in Title 17, chapter 5, part 16, to provide financial assistance for primary sector business workforce training grants authorized by the loan committee pursuant to criteria outlined in [section 5].

Section 8. Codification instruction. [Sections 1 through 7] are intended to be codified as an integral part of Title 39, and the provisions of Title 39 apply to [sections 1 through 7].

Section 9. Effective date — applicability. [This act] is effective on passage and approval and applies to grants issued on or after [the effective date of this act].

Section 10. Termination. [This act] terminates June 30, 2007.

Approved May 5, 2003

CHAPTER NO. 568

[HB 608]

AN ACT RELATING TO THE GOVERNMENT-TO-GOVERNMENT RELATIONSHIP BETWEEN THE MONTANA INDIAN TRIBES AND THE STATE OF MONTANA; PROVIDING FOR TRIBAL CONSULTATION IN THE DEVELOPMENT OF STATE AGENCY POLICIES THAT DIRECTLY AFFECT INDIAN TRIBES; AUTHORIZING CERTAIN STATE EMPLOYEES TO RECEIVE ANNUAL TRAINING; PROVIDING FOR ANNUAL MEETINGS BETWEEN STATE AND TRIBAL OFFICIALS; AND REQUIRING AN ANNUAL REPORT BY A STATE AGENCY.

WHEREAS, the Legislature recognizes the right of tribes to self-government; and

WHEREAS, the Legislature supports tribal sovereignty and self-determination; and

WHEREAS, the Legislature recognizes the fundamental principle and integrity of the government-to-government relationship between the State of Montana and the Indian Nations of Montana; and

WHEREAS, the Legislature supports strengthening communications and building collaborative relationships that will benefit both the Indian Nations and the State of Montana.

Be it enacted by the Legislature of the State of Montana:

Section 1. Definitions. As used in [sections 1 through 3], the following definitions apply:

(1) "State agency" means a department, board, or commission of the executive branch of state government.

(2) "Tribal government" means the officially recognized government of any tribe or nation.

(3) "Tribal officials" means the elected or appointed officials of a tribal government.

(4) "Tribe" means an Indian tribe that is recognized by federal law or formally acknowledged by the state.

Section 2. Guiding principles. In formulating or implementing policies or administrative rules that have direct tribal implications, a state agency should consider the following principles:

(1) a commitment to cooperation and collaboration;

(2) mutual understanding and respect;

(3) regular and early communication;

(4) a process of accountability for addressing issues; and

(5) preservation of the tribal-state relationship.

Section 3. Training and consultation. (1) At least once a year, the department of justice and a trainer selected by the tribal governments shall provide training in Helena or a site mutually agreed upon to state agency managers and key employees who have regular communication with tribes on the legal status of tribes, the legal rights of tribal members, and social, economic, and cultural issues of concern to tribes.

(2) At least annually, the governor may convene in Helena a full-day, working meeting at which the governor, representatives of state agencies, and tribal officials, including chiefs and tribal presiding officers, shall:

(a) review the policies that directly impact tribal government and tribal populations that are proposed for adoption by the state agencies and recommend changes to the policies; and

(b) discuss issues of concern to the state and the tribes and formulate solutions.

(3) By December 15 of each year, a state agency shall submit a report to the governor and to each tribal government on the activities of the state agency relating to tribal government and tribal populations. The report must include:

- (a) any policy that the state agency adopted under subsection (2)(a);
- (b) the name of the individual within the state agency who is responsible for implementing the policy;
- (c) the process that the state agency has established to identify the programs of the state agency that affect tribes;
- (d) the efforts of the state agency to promote communication and the government-to-government relationship between the state agency and the tribes;
- (e) the efforts of the state agency to ensure tribal consultation and the use of American Indian data in the development and implementation of agency programs that directly affect tribes; and
- (f) a joint description by tribal program staff and state staff of the training required under subsection (1).

Section 4. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral part of Title 2, chapter 15, and the provisions of Title 2, chapter 15, apply to [sections 1 through 3].

Section 5. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa.

Approved May 5, 2003

CHAPTER NO. 569

[HB 609]

AN ACT HONORING THE SACRIFICE, PATRIOTISM, AND LONG TRADITION OF MILITARY PARTICIPATION BY MONTANA'S AMERICAN INDIAN CITIZENS BY REQUIRING SPECIFIC RECOGNITION OF MONTANA'S PAST, PRESENT, AND FUTURE AMERICAN INDIAN WAR VETERANS IN THE CONSTRUCTION OF THE AMERICAN INDIAN MONUMENT AND TRIBAL FLAG CIRCLE; AMENDING SECTION 22-2-601, MCA; AND PROVIDING A CONTINGENT EFFECTIVE DATE.

WHEREAS, American Indians have participated with distinction in United States military actions for more than 200 years and, according to the United States Department of Defense, as an ethnic group, have the highest record of service per capita; and

WHEREAS, prior to being granted official United States citizenship in 1924, American Indians voluntarily participated in the War of 1812, fought as auxiliary troops for both the North and South in the Civil War, served as Indian scouts for the United States Army in the late 1880s, rode with Teddy Roosevelt after being recruited to become members of the Rough Riders during the Spanish-American War in 1898, accompanied General John J. Pershing's expedition in pursuit of Pancho Villa in 1916, and volunteered in numbers exceeding 12,000 to fight in World War I; and

WHEREAS, it is estimated by the United States Department of Defense that more than 44,000 American Indians, out of a total population of 350,000, served with distinction in World War II between 1941 and 1945; and

WHEREAS, more than 42,000 American Indians, 90% of whom were volunteers, fought in Vietnam and saw combat duty in Grenada, Panama, Somalia, and the Persian Gulf; and

WHEREAS, according to the 2002 United States census, 12% of Montana's total population of American Indians are military veterans who have served with distinction in every military campaign, with many receiving the Purple Heart, the Silver Star, and other campaign and commendation medals for their valor; and

WHEREAS, a tribute to American Indians from throughout Montana would highlight the contributions of individual soldiers, including a great-grandson of Salish Chief Charlo, Private First Class Louis Charles Charlo, who died on Iwo Jima after being one of the original Marines to plant a flag on Mount Suribachi, which action later was memorialized and serves as the basis for the Iwo Jima U.S. Marine Corps Memorial in Arlington, Virginia; and

WHEREAS, it is fitting that the Legislature honor the sacrifice, patriotism, and long tradition of military participation by its American Indian citizens by specifically recognizing past, present, and future American Indian veterans in the construction of the American Indian monument and Montana tribal flag circle.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 22-2-601, MCA, is amended to read:

"22-2-601. American Indian monument and tribal flag circle — competition for design. (1) The state of Montana shall erect on the grounds of the capitol complex a monument to American Indians and a Montana tribal flag circle in recognition of American Indians' contributions to this state and nation, *including specific recognition of the contributions and sacrifices made by Montana's past, present, and future American Indian war veterans.*

(2) The Montana arts council shall advertise and conduct a competition among all Montanans for a design for the monument and flag circle."

Section 2. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa.

Section 3. Effective date. [This act] is effective on the date that the state treasurer certifies to the governor that sufficient private funds have been received to finance the construction of the monument and tribal flag circle. The state treasurer shall provide a copy of the certification to the code commissioner.

Approved May 5, 2003

CHAPTER NO. 570

[HB 642]

AN ACT PROVIDING THAT STATE AND LOCAL TAXES AND FEES PAID BY A PUBLIC UTILITY MAY BE SEPARATELY DISCLOSED IN A PUBLIC UTILITY CUSTOMER'S BILL; REQUIRING AN AUTOMATIC RATE ADJUSTMENT TO REFLECT STATE AND LOCAL TAXES AND FEES PAID BY A PUBLIC UTILITY; AMENDING SECTIONS 69-3-302 AND 69-3-303, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Disclosure of taxes and fees paid by customers of a public utility — automatic rate adjustment and tracking for taxes and fees. (1)

A public utility may separately disclose in a customer's bill the amount of state and local taxes and fees assessed against the public utility that the customer is paying.

(2) (a) (i) The commission shall allow a public utility to file rate schedules containing provisions for the automatic adjustment and tracking of Montana state and local taxes and fees, except state income tax, paid by the public utility. The resulting rate schedule changes must include:

(A) adjustments for the net change in federal and state income tax liability caused by the deductibility of state and local taxes and fees;

(B) retroactive tax adjustments; and

(C) adjustments related to the resolution of property taxes paid under protest.

(ii) The rate schedules must include provisions for annual rate adjustments, including both tax increases and decreases.

(b) The amended rates must automatically go into effect on January 1 following the date of change in taxes paid on an interim basis, subject to any adjustments determined in subsection (2)(c).

(c) The amended rate schedule must be filed with the commission on or before the effective date of the change in taxes paid, and if the commission determines that the revised rate schedule is in error, the commission may, within 45 days of receipt of the revised rate schedule, ask for comment and order the public utility to address any errors or omissions including, if necessary, any refunds due customers.

(d) Failure of the commission to issue an order pursuant to subsection (2)(c) is considered approval on the part of the commission.

(e) A public utility may challenge an order issued by the commission under subsection (2)(c) in accordance with the provisions of 69-3-401 through 69-3-405.

Section 2. Section 69-3-302, MCA, is amended to read:

"69-3-302. Changes in schedules. (1) ~~No change shall~~ *Except as provided in [section 1], a change may not* be made in any schedule, including schedules of joint rates, except as approved by the commission, upon the passage of 9 months, or by operation of 69-3-907(1). If the 9-month time period expires prior to commission approval of a schedule, a utility may waive the time period.

(2) Notwithstanding any provision of this title to the contrary, *other than rate adjustments made pursuant to [section 1], and notwithstanding the existence of and authorization for the office of consumer counsel,* the rates, tolls, or charges set forth in any schedule filed with the commission pursuant to 69-3-301 ~~shall~~ *must* become effective and be lawful rates, tolls, or charges for the utility service rendered 9 months after the date upon which the schedule was filed under the rules of practice and procedure for filing as adopted by the commission or upon commission approval, whichever ~~shall occur~~ *occurs* first, unless the utility waives the 9-month time period. However, if the rates, tolls, or charges become effective because of the passage of 9 ~~months' time~~ *months*, the ~~revenues~~ *revenue* collected thereunder ~~shall be~~ *is* subject to rebate, plus interest

at ~~a per annum~~ *an annual* rate determined by the commission, to the extent that the rates, tolls, or charges ultimately approved by the commission in its final decision produce ~~revenues which are~~ *revenue that is less than those that* collected under the filed schedules. In the case of an investor-owned utility, the interest rate set by the commission may not exceed the cost of equity capital as last determined by the commission.

(3) The commission may prescribe rules necessary to effectively administer this section."

Section 3. Section 69-3-303, MCA, is amended to read:

"69-3-303. Notice and hearing on proposed change. (1) ~~Before it~~ *Except as provided in [section 1], before the commission* may approve any change increasing the rate or rates for utility service in a schedule generally affecting consumers in a utility's service area or before any change may become effective due to the passage of 9 months, the commission shall publish a notice of the proposed change, conforming to the requirements of 2-4-601 in one or more newspapers published and of general circulation within the area affected by the proposed change. This notice ~~shall~~ *must* announce a hearing on the proposed change and ~~shall~~ *must* inform interested persons *as to how they may petition the commission to become parties to the hearing.*

(2) The commission shall proceed to conduct the hearing under the Montana Administrative Procedure Act. The final decision of the commission in any matter decided after a hearing conducted pursuant to this section ~~shall~~ *must* conform to the requirements of a decision in a contested case under the Montana Administrative Procedure Act.

(3) The consumer counsel may ~~in his discretion~~ petition to become a party to the hearing."

Section 4. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 69, chapter 3, part 3, and the provisions of Title 69, chapter 3, part 3, apply to [section 1].

Section 5. Effective date. [This act] is effective on passage and approval.

Approved May 5, 2003

CHAPTER NO. 571

[HB 680]

AN ACT PROVIDING STANDARDS FOR DOCUMENTS THAT ARE RECORDED AND FILED WITH THE OFFICE OF THE CLERK AND RECORDER; ESTABLISHING FEES FOR RECORDING CERTAIN DOCUMENTS; AMENDING SECTION 7-4-2631, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Standards for recorded documents. (1) Unless accompanied by the appropriate fee required in [section 2], a document submitted for recording that conveys an interest in real property must:

(a) be legibly printed or typed in black ink in at least 10-point typeface, not including the signature, on white paper of not less than 20-pound weight, each

page of which must be separated and have dimensions of either 8 1/2 x 11 inches or 8 1/2 x 14 inches;

(b) provide the names of the parties to the conveyance on the first or second page of any document with more than one page;

(c) provide a description of the property;

(d) except as provided in subsection (1)(e) and except for page numbers or other designations, have margins that are clear of all markings in the following dimensions:

(i) at least 3 inches at the top of the first page and at least 1 inch at the top of the second and any subsequent pages; and

(ii) at least 1 inch on the sides and bottom of each page; and

(e) include the name and mailing address of the person to whom the document is to be returned in the margin in the upper left-hand corner of the first page of each document submitted and may include legibly printed or typed transactional information.

(2) Unless accompanied by the fee required in [section 2], all other documents submitted for recording must meet the requirements of subsections (1)(a), (1)(d), and (1)(e).

(3) (a) Except as provided in subsection (3)(b), only documents submitted for recording and filing that conform to the provisions of subsection (1) or (2) are considered standard documents for the purposes of [section 2].

(b) Documents that are acknowledged as having been executed prior to [the effective date of this act] must be accepted for recording and considered standard documents, regardless of whether they conform to the provisions of subsection (1) or (2).

Section 2. Fees for recording standard documents. (1) Except as provided in 7-4-2631 and subsection (2) of this section, the fee for recording a standard document that meets the requirements of [section 1] is \$6 for each page or fraction of a page.

(2) The fee for recording a document that does not meet the requirements of [section 1] is \$10 for each page or fraction of a page for the first five pages or fractions of the pages and \$6 for each subsequent page.

(3) (a) Of the fees collected under subsection (1), \$1 must be deposited in the records preservation fund, provided for in 7-4-2635, and the remainder must be deposited as provided for in 7-4-2511.

(b) Of the fees collected under subsection (2) for nonstandard documents, each \$6 amount for a page or fraction of a page must be deposited as provided for in subsection (3)(a). The remaining \$4 of each \$10 charge for a page or fraction of a page must be deposited in the records preservation fund, provided for in 7-4-2635, and, notwithstanding 7-4-2635(3), each \$4 amount from a \$10 charge for a page or a fraction of a page may be used only for maintaining, upgrading, or installing systems to digitally record and retrieve documents.

Section 3. Section 7-4-2631, MCA, is amended to read:

"7-4-2631. Fees of county clerk. (1) Except as provided in 7-4-2632 and [section 2], the county clerks shall charge, for the use of their respective counties:

(a) for recording and indexing each certificate of location of a quartz or placer mining claim or millsite claim, including a certificate that the instrument has been recorded with seal affixed, \$6;

(b) for recording and indexing each affidavit of annual labor on a mining claim, including certificate that the instrument has been recorded with seal affixed:

(i) for the first mining claim in the affidavit, \$3; and

(ii) for each additional mining claim included in it, 50 cents;

(c) for filing and indexing each writ of attachment, execution, certificate of sale, lien, or other instrument required by law to be filed and indexed, \$5;

(d) for filing of subdivision and townsite plats, \$5 plus:

(i) for each lot up to and including 100, 50 cents;

(ii) for each additional lot in excess of 100, 25 cents;

(e) for filing certificates of surveys and amendments thereto, \$5 plus 50 cents per tract or lot;

(f) for a copy of a record or paper:

(i) for the first page of any document, 50 cents, and 25 cents for each subsequent page; and

(ii) for each certification with seal affixed, \$2;

(g) for searching an index record of files of the office for each year when required in abstracting or otherwise, 50 cents;

(h) for administering an oath with certificate and seal, no charge;

(i) for taking and certifying an acknowledgment, with seal affixed, for signature to it, no charge;

(j) for filing, indexing, or other services provided for by Title 30, chapter 9A, part 5, the fees prescribed under those sections;

(k) for recording each stock subscription and contract, stock certificate, and articles of incorporation for water users' associations, \$3;

(l) for filing a copy of notarial commission and issuing a certificate of official character of such notary public, \$2;

(m) for each certified copy of a birth certificate, \$5, and for each certified copy of a death certificate, \$3;

(n) for filing, recording, or indexing any other instrument not expressly provided for in this section or 7-4-2632, the same fee provided in this section or 7-4-2632 for a similar service.

(2) State agencies submitting documents to be put of record shall pay the fees provided for in this section. If a state agency or political subdivision has requested an account with the county clerk, any applicable fees must be paid on a periodic basis."

Section 4. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 7, chapter 4, part 26, and the provisions of Title 7, chapter 4, part 26, apply to [sections 1 and 2].

Section 5. Effective date. [This act] is effective July 1, 2005.

Approved May 5, 2003

CHAPTER NO. 572

[HB 689]

AN ACT REVISING THE LAWS RELATING TO LOBBYING REGISTRATION AND REPORTING BY PRINCIPALS; REVISING DEFINITIONS; REVISING REPORTING REQUIREMENTS; PROVIDING FOR ADJUSTMENT OF REPORTING THRESHOLD AMOUNTS FOR INFLATION; AMENDING SECTIONS 5-7-102, 5-7-103, 5-7-105, AND 5-7-208, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 5-7-102, MCA, is amended to read:

“5-7-102. Definitions. The following definitions apply in this chapter:

(1) “Business” means:

(a) a holding or interest whose fair market value is greater than \$1,000, in a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, self-employed person, holding company, joint-stock company, receivership, trust, or other entity or property held in anticipation of profit, but does not include nonprofit organizations; and

(b) present or past employment from which benefits, including retirement allowances, are received.

(2) “Commissioner” means the commissioner of political practices.

(3) “Docket” means the register of lobbyists and principals maintained by the commissioner pursuant to 5-7-201.

(4) “Elected official” means a public official holding a state office filled by a statewide vote of all the electors of Montana or a state district office, including but not limited to legislators, public service commissioners, and district court judges. The term “official-elect” also applies to the offices.

(5) “Individual” means a human being.

(6) “Lobbying” means:

(a) the practice of promoting or opposing the introduction or enactment of legislation before the legislature or the members of the legislature by a person other than a member of the legislature or a public official; and

(b) the practice of promoting or opposing official action by any public official.

~~(7) “Lobbying for hire” includes activities of the officers, agents, attorneys, or employees of a principal who are paid, reimbursed, or retained by the principal and whose duties include lobbying. If an individual is reimbursed only for his personal living and travel expenses, which together are less than \$1,000 per calendar year, that individual is not considered to be lobbying for hire.~~

~~(8)~~(7) (a) “Lobbyist” means a person who engages in the practice of lobbying ~~for hire.~~

(b) Lobbyist does not include:

(i) an individual acting solely on ~~his~~ *the individual's* own behalf; ~~or~~

(ii) an individual working for the same principal as a licensed lobbyist if the individual does not have personal contact involving lobbying with a public official on behalf of ~~his~~ *the lobbyist's* principal; ~~or~~

(iii) *an individual who receives payments from one or more persons that total less than the amount specified under [section 5] in a calendar year.*

(c) Nothing in this ~~section~~ chapter deprives an individual ~~who is not lobbying for hire a lobbyist~~ of the constitutional right to communicate with public officials.

~~(9)~~(8) (a) "Payment" means distribution, transfer, loan, advance, deposit, gift, or other rendering made or to be made of money, property, or anything of value:

(i) *to a lobbyist to influence legislation or official action by an elected local official or a public official;*

(ii) *directly or indirectly;*

~~(10) "Payment to influence official action" means any of the following types of payment:~~

~~(a) direct or indirect payment to a lobbyist by a principal, such as salary, fee, compensation, or reimbursement for lobbying expenses, excluding personal living expenses; or~~

~~(b)(iii) payment in support of or assistance to a lobbyist or a lobbying activity, including but not limited to the direct payment of expenses incurred at the request or suggestion of the lobbyist.~~

(b) *The term does not include payments or reimbursements for:*

(i) *personal and necessary living expenses; or*

(ii) *travel expenses, unless a principal is otherwise required to report expenses pursuant to 5-7-208.*

~~(11)~~(9) "Person" means an individual, corporation, association, firm, partnership, state or local government or subdivision of state or local government, or other organization or group of persons.

~~(12)~~(10) "Principal" means a person who employs a lobbyist *or a person required to report pursuant to 5-7-208.*

~~(13)~~(11) "Public official" means an individual, elected or appointed, acting in ~~his~~ *an* official capacity for ~~the~~ state government. The term does not include those acting in a judicial or quasi-judicial capacity or performing ministerial acts.

~~(14)~~(12) "Unprofessional conduct" means:

(a) *violating any of the provisions of this chapter;*

(b) *instigating action by a public official for the purpose of obtaining employment;*

(c) *attempting to influence the action of a public official on a measure pending or to be proposed by:*

(i) *promising financial support; or*

(ii) *making public any unsubstantiated charges of improper conduct on the part of a lobbyist, a principal, or a legislator; or*

(d) *attempting to knowingly deceive a public official with regard to the pertinent facts of an official matter or attempting to knowingly misrepresent pertinent facts of an official matter to a public official."*

Section 2. Section 5-7-103, MCA, is amended to read:

“5-7-103. Licenses — fees — eligibility — waiver. (1) Any adult of good moral character who is otherwise qualified under this chapter may be licensed as a lobbyist. The commissioner shall provide a license application form. The application form may be obtained from and must be filed in the office of the commissioner. Upon approval of the application and receipt of the license fee by the commissioner, a license must be issued that entitles the licensee to practice lobbying on behalf of one or more enumerated principals. The license fee is \$150 for each lobbyist *except as provided in subsection (5) or unless the fee is waived for hardship reasons under this subsection*. Each license expires on December 31 of each even-numbered year or may be terminated at the request of the lobbyist. A lobbyist who believes that payment of the license fee may constitute a hardship may apply to the commissioner for a waiver of the fee required by this section. The commissioner may waive all or a portion of the license fee upon proof by the lobbyist that payment of the fee constitutes a hardship.

(2) (a) Except as provided in subsection (2)(b), an application may not be disapproved without affording the applicant a hearing. The hearing must be held and the decision entered within ~~10~~ 10 business days of the date of the filing of the application, *excluding the date on which the application is filed*.

(b) An application may not be approved if a principal has failed to file reports required under 5-7-208.

(3) The fines collected under this chapter must be deposited in the state treasury.

(4) The commissioner shall deposit the license fee provided for in subsection (1) as follows:

(a) \$50 in the general fund; and

(b) \$100 in the state special revenue account provided for in 5-11-1112.

(5) *A lobbyist who receives payments from one or more principals that total less than the amount specified under [section 5] in a calendar year is not required to pay the license fee or file an application form as provided for in subsection (1).*

~~(5)(6)~~ (6) The commissioner may adopt rules to implement the waiver provisions of ~~subsection (1)~~ subsections (1) and (5).”

Section 3. Section 5-7-105, MCA, is amended to read:

“5-7-105. Suspension of lobbying privileges. ~~No~~ A lobbyist whose license has been suspended and ~~no~~ a person who has been adjudged guilty of a violation of any provision of this chapter may *not* engage in lobbying ~~for hire~~ until that person has been reinstated to the practice and duly licensed.”

Section 4. Section 5-7-208, MCA, is amended to read:

“5-7-208. Principals to file report. (1) A principal subject to this chapter shall file with the commissioner a report of payments made for the purpose of lobbying. *A principal is subject to the reporting requirements of this section only if the principal makes payments exceeding the amount specified under [section 5] to one or more lobbyists during a calendar year.*

(2) If payments are made solely to influence legislative action, a report must be made:

(a) by February 15th of any year the legislature is in session and must include all payments made in that calendar year prior to February 1;

(b) by the 15th day of the calendar month following a calendar month in which the principal spent \$5,000 or more and must include all payments made during the prior calendar month; and

(c) no later than 30 days following adjournment of a legislative session and must include all payments made during the session, except as previously reported.

(3) If payments are made to influence any other official action by a public official or made to influence other action and legislative action, a report must be made:

(a) by February 15th of the calendar year following the payments and must include all payments made during the prior calendar year; and

(b) by the 15th day of the calendar month following a calendar month in which the principal spent \$5,000 or more and must include all payments made during the prior calendar month.

(4) If ~~no~~ payments are *not* made during the reporting periods provided in subsections (2)(a), (2)(c), and (3)(a) ~~above~~, the principal shall file a report stating that fact.

(5) Each report filed under this section must:

(a) list all payments for lobbying in each of the following categories:

(i) printing;

(ii) advertising, including production costs;

(iii) postage;

~~(iv) travel expenses;~~

(iv) *travel expenses*;

~~(v)~~(v) salaries and fees, including allowances, rewards, ~~and~~ and contingency fees;

~~(vi)~~(vi) entertainment, including all foods and refreshments;

~~(vii)~~(vii) telephone and telegraph; and

~~(viii)~~(viii) other office expenses;

(b) itemize, identifying the payee and the beneficiary:

(i) each separate payment conferring \$25 or more benefit to any public official when the payment was made for the purpose of lobbying; and

(ii) each separate payment conferring \$100 or more benefit to more than one public official, regardless of individual benefit when the payment was made for the purpose of lobbying, except that in regard to a dinner or other function to which all senators or all representatives have been invited, the beneficiary may be listed as all members of that group without listing separately each person who attended;

(c) list each contribution and membership fee which amounts to \$250 or more when aggregated over the period of 1 calendar year paid to the principal for the purpose of lobbying, with the full address of each payer and the issue area, if any, for which the payment was earmarked;

(d) list each official action on which the principal or ~~his~~ *the principal's* agents exerted a major effort to support, oppose, or modify, together with a statement of the principal's position for or against the action; and

(e) be kept by the commissioner for a period of 10 years.”

Section 5. Payment threshold — inflation adjustment. For calendar years 2002 through 2004, the payment threshold in 5-7-102 and 5-7-208 is \$2,150. The commissioner shall adjust the threshold amount following a general election by multiplying the threshold amount valid for the year in which the general election was held by an inflation factor, adopted by the commissioner by rule. The rule must be written to reflect the annual average change in the consumer price index from the prior year to the year in which the general election is held. The resulting figure must be rounded up or down to the nearest \$50 increment. The commissioner shall adopt the adjusted amount by rule.

Section 6. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa.

Section 7. Coordination. If [this act] and Senate Bill No. 7 are both passed and approved:

(1) and amend 5-7-102, then 5-7-102(13)(c) of Senate Bill No. 7 must read:

“Nothing in this chapter deprives an individual who is not a lobbyist of the constitutional right to communicate with public officials.”

(2) and amend 5-7-103, then the amendments to 5-7-103 contained in Senate Bill No. 7 are void.

Section 8. Codification instruction. [Section 5] is intended to be codified as an integral part of Title 5, chapter 7, part 1, and the provisions of Title 5, chapter 7, part 1, apply to [section 5].

Section 9. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 10. Effective date. [This act] is effective on passage and approval.

Section 11. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to all occurrences concerning filing or reporting on or after September 1, 2002. This section may not be construed to require a refund of any fee paid on or after September 1, 2002.

Approved May 5, 2003

CHAPTER NO. 573

[HB 693]

AN ACT PROVIDING THAT CHILD SUPPORT OBLIGATIONS DETERMINED PURSUANT TO ADMINISTRATIVE PROCEDURE ARE EFFECTIVE IMMEDIATELY UPON SERVICE OF A NOTICE OF FINANCIAL RESPONSIBILITY ON THE PARENT OR PARENTS AND THAT FINAL ORDERS ARE RETROACTIVE TO THAT DATE; PROVIDING THAT A NOTICE OF FINANCIAL RESPONSIBILITY MUST INCLUDE A STATEMENT REGARDING ITS IMMEDIATE EFFECTIVENESS; AMENDING SECTION 40-5-225, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 40-5-225, MCA, is amended to read:

“40-5-225. Notice of financial responsibility — temporary and final support obligations — administrative procedure. (1) In the absence of an existing support order, when the requirements of this section are met, the department may enter an order requiring a child's parent or parents to pay an amount each month for the support of the child. The support order must include a medical support order as required by 40-5-208.

(2) An action to establish a support order must be commenced by serving a notice of financial responsibility on the parent or parents. The notice must include a statement:

(a) of the names of the child, the obligee, and, if different than the obligee, the child's guardian or caretaker relative;

(b) of the dollar amount of the support obligation to be paid each month for the child;

(c) *that the monthly support obligation is effective on the date of service of the notice, unless an objection is made and a hearing is requested, and may be collected during the proceeding that establishes the support obligation by any remedy available to the department for the enforcement of child support obligations;*

~~(d)~~ that in addition to child support, the parent or parents may be ordered to provide for the child's medical support needs;

~~(d)~~(e) that any party may request a hearing to contest the amount of child support shown in the notice or to contest the establishment of a medical support order;

~~(e)~~(f) that if a party does not timely file a request for hearing, support, including medical support, will be ordered as declared in the notice or in accordance with the child support guidelines adopted under 40-5-209;

~~(f)~~(g) that if a party does request a hearing, the other parties may refuse to participate in the proceedings and that the child support and medical support order will be determined using the information available to the department or provided at the hearing;

~~(g)~~(h) that a party's refusal to participate is a consent to entry of a child support and medical support order consistent with the department's determination; and

~~(h)~~(i) that the parties are entitled to a fair hearing under 40-5-226.

(3) If a support action is pending in district court and a temporary or permanent support obligation has not been ordered or if a paternity action is pending and there is clear and convincing evidence of paternity based on paternity blood tests or other evidence, the department may enter an order requiring a child's parent or parents to pay an amount each month for the temporary support of the child pending entry of a support order by the district court. The temporary support order must include a medical support order as required by 40-5-208.

(4) An action to establish a temporary support order must be commenced by serving a notice of temporary support obligation on the parent or parents. In addition to the statements required in subsection (2), the notice must include a statement that:

(a) a party may request a hearing to show that a temporary support obligation is inappropriate under the circumstances; and

(b) the temporary support order will terminate upon the entry of a final support order or an order of nonpaternity. If the final order is retroactive, any amount paid for a particular period under the temporary support order must be credited against the amounts due under the final order for the same period, but excess amounts may not be refunded. If an order of nonpaternity is issued or if the final support order states that periodic support obligation is not proper, the obligee shall refund to the obligor any improper amounts paid under the temporary support order, plus any costs that the obligor incurs in recovering the amount to be refunded.

(5) (a) If a temporary support order is entered or if proceedings are commenced under this section for a married obligor, the department shall vacate any support order or dismiss any proceeding under this part if it finds that the parties to the marriage have:

- (i) reconciled without the marriage having been dissolved;
- (ii) made joint application to the department to vacate the order or dismiss the proceeding; and
- (iii) provided proof that the marriage has been resumed.

(b) The department may not vacate a support order or dismiss a proceeding under this subsection (5) if it determines that the rights of a third person or the child are affected. The department may issue a new notice of temporary support obligation under this section if the parties subsequently separate.

(6) A notice of financial responsibility and the notice of temporary support obligation may be served either by certified mail or in the manner prescribed for the service of a summons in a civil action in accordance with the Montana Rules of Civil Procedure.

(7) If prior to service of a notice under this section the department has sufficient financial information, the department's allegation of the obligor's monthly support responsibility, whether temporary or final, must be based on the child support guidelines established under 40-5-214. If the information is unknown to the department, the allegations of the parent's or parents' monthly support responsibility must be based on the greater of:

- (a) the maximum amount of public assistance that could be payable to the child under Title 53 if the child was otherwise eligible for assistance; or
- (b) the child's actual need as alleged by the custodial parent, guardian, or caretaker of the child.

(8) (a) A party who objects to a notice of financial responsibility or notice of temporary support obligation may file a written request for a hearing with the department:

- (i) within 20 days from the date of service of a notice of financial responsibility; and
- (ii) within 10 days from the date of service of a notice of temporary support obligation.

(b) If the department receives a timely request for a hearing, it shall conduct one under 40-5-226.

(c) If the department does not receive a timely request for a hearing, it shall order the parent or parents to pay child support and to provide for the child's medical needs as stated in the notice. The child support obligation must be the

amount stated in the notice or determined in accordance with the child support guidelines adopted under 40-5-209.

(9) If the department is unable to enter an obligation in accordance with the child support guidelines because of default of a party, the department may, upon notice to the parties to the original order, substitute a support order made in accordance with the guidelines for the defaulted order.

(10) After establishment of an order under this section, the department may initiate a subsequent action on the original order to establish a support obligation for another child of the same parents.

(11) *A child support and medical support order under subsection (1) is effective as of the date of service of a notice of financial responsibility on the parent or parents and may be collected by any remedy available to the department for the enforcement of child support obligations. A final order is retroactive to the date of service of the notice of financial responsibility as provided in this subsection, except that the final order may also determine child support for a prior period as provided in 40-5-226(3).*

~~(11)~~(12) A child support and medical support order under subsection (1) continues until the child reaches 18 years of age or until the child's graduation from high school, whichever occurs later, but not later than the child's 19th birthday, unless the child is sooner emancipated by court order. A temporary support obligation established under subsection (3) continues until terminated as provided in subsection (5) or until the temporary order is superseded by a final order, judgment, or decree."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved May 5, 2003

CHAPTER NO. 574

[HB 720]

AN ACT REVISING THE LAWS GOVERNING WATER USE PERMITS AND CHANGES IN APPROPRIATION RIGHTS; REQUIRING THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION TO ADOPT RULES REGARDING DETERMINATION OF WHETHER OR NOT AN APPLICATION FOR A WATER USE PERMIT AND AN OBJECTION TO AN APPLICATION FOR A WATER USE PERMIT ARE CORRECT AND COMPLETE; PROVIDING THAT AN APPLICATION MUST BE TREATED AS IF IT IS CORRECT AND COMPLETE IF DEFICIENCIES ARE NOT IDENTIFIED WITHIN 180 DAYS; AND AMENDING SECTIONS 85-2-302 AND 85-2-308, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 85-2-302, MCA, is amended to read:

"85-2-302. Application for permit. (1) Except as provided in 85-2-306, a person may not appropriate water or commence construction of diversion, impoundment, withdrawal, or related distribution works except by applying for and receiving a permit from the department.

(2) *The department shall adopt rules that are necessary to determine whether or not an application is correct and complete, based on the provisions applicable*

to issuance of a permit under this part. The rules must be adopted in compliance with Title 2, chapter 4.

(3) The application must be made on a form prescribed by the department. The department shall make the forms available through its offices.

(4) The applicant shall submit a correct and complete application. *The determination of whether an application is correct and complete must be based on rules adopted under subsection (2) that are in effect at the time the application is submitted.*

(5) The department shall notify the applicant of any defects in an application *within 180 days. The defects must be identified by reference to the rules adopted under subsection (2). If the department does not notify the applicant of any defects within 180 days, the application must be treated as a correct and complete application.*

(6) An application does not lose priority of filing because of defects if the application is corrected or completed within 30 days of the date of notification of the defects or within a further time as the department may allow, but not to exceed 90 days from the date of notification. If an application is made correct and complete after the mandated time period, but within 90 days of the date of notification of the defects, the priority date of the application is the date the application is made correct and complete.

(7) An application not corrected or completed within 90 days from the date of notification of the defects is terminated.”

Section 2. Section 85-2-308, MCA, is amended to read:

“85-2-308. Objections. (1) (a) An objection to an application for a permit must be filed by the date specified by the department under 85-2-307(2).

(b) The objection to an application for a permit must state the name and address of the objector and facts indicating that one or more of the criteria in 85-2-311 are not met.

(2) For an application for a change in appropriation rights, the objection must state the name and address of the objector and facts indicating that one or more of the criteria in 85-2-402 are not met.

(3) A person has standing to file an objection under this section if the property, water rights, or interests of the objector would be adversely affected by the proposed appropriation.

(4) For an application for a reservation of water, the objection must state the name and address of the objector and facts indicating that one or more of the criteria in 85-2-316 are not met.

(5) An objector to an application under this chapter shall file a correct and complete objection on a form prescribed by the department within the time period stated on the public notice associated with the application. *In order to assist both applicants and objectors, the department shall adopt rules in accordance with this chapter delineating the components of a correct and complete objection. For instream flow water rights for fish, wildlife, and recreation, the rules must require the objector to describe the reach or portion of the reach of the stream or river subject to the instream flow water right and the beneficial use that is adversely affected and to identify the point or points where the instream flow water right is measured and monitored.* The department shall notify the objector of any defects in an objection. An objection not corrected or

completed within 15 days from the date of notification of the defects is terminated.

(6) An objection is valid if the objector has standing pursuant to subsection (3), has filed a correct and complete objection within the prescribed time period, and has stated the applicable information required under ~~subsection (1), (2), or (4)~~ *this section and rules of the department.*"

Section 3. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa.

Approved May 5, 2003

CHAPTER NO. 575

[HB 727]

AN ACT PROVIDING FOR THE DISCONTINUANCE OF THE EASTMONT HUMAN SERVICES CENTER; PROVIDING FOR THE TRANSFER OF THE FACILITY TO THE DEPARTMENT OF CORRECTIONS; PROVIDING A TIMEFRAME FOR THE CLOSURE AND TRANSFER; AMENDING SECTIONS 53-1-402, 53-1-602, AND 53-20-102, MCA; REPEALING SECTIONS 53-20-501 AND 53-20-502, MCA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Eastmont Human Services Center has provided consistent high-quality care to the residents of the Center; and

WHEREAS, the community of Glendive has continuously supported the staff and residents of the Eastmont Human Services Center; and

WHEREAS, the lack of a need to continue the use of the Eastmont Human Services Center as a residential facility for persons with developmental disabilities does not diminish the state's admiration of the dedication of the staff and the support of the community of Glendive for the Center; and

WHEREAS, section 53-1-602(2), MCA, provides that a state institution may not be moved, discontinued, or abandoned without the consent of the Legislature, this act constitutes consent for the discontinuance of the Eastmont Human Services Center.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 53-1-402, MCA, is amended to read:

"53-1-402. Residents and financially responsible persons liable for cost of care. (1) A resident and a financially responsible person are liable to the department for the resident's cost of care as provided in this part. The cost of care includes the applicable per diem and ancillary charges or all-inclusive rate charges for the care of residents in the following institutions:

- (a) Montana state hospital;
- (b) Montana developmental center;
- (c) Montana veterans' home;
- (d) eastern Montana veterans' home;
- (e) Montana mental health nursing care center;
- ~~(f) Eastmont human services center; and~~

~~(g)~~(f) Montana chemical dependency treatment center.

(2) The eastern Montana veterans' home may assess charges on either a per diem and ancillary charge basis or an all-inclusive rate basis if the department contracts with a private vendor to operate the facility as provided for in 10-2-416.

(3) The Montana state hospital and the Montana mental health nursing center may determine the cost of care using an all-inclusive rate or per diem and ancillary charges if the department contracts with a private entity to operate a mental health managed care program."

Section 2. Section 53-1-602, MCA, is amended to read:

"53-1-602. Department of public health and human services. (1) The following components are in the department of public health and human services to carry out the purposes of the department:

(a) mental health services, consisting of the following institutional components for care and treatment of the mentally ill pursuant to Title 53, chapter 21:

(i) the Montana state hospital;

(ii) the Montana mental health nursing care center; and

(iii) a community services component, consisting of appropriate services for the care and treatment of the mentally ill pursuant to Title 53, chapter 21, part 2;

(b) chemical dependency services, consisting of appropriate detoxification, inpatient, intensive outpatient, outpatient, prevention, education, and other necessary chemical dependency services pursuant to Title 53, chapter 24;

(c) ~~an institutional and residential components~~ *component* of the developmental disabilities system for those persons with developmental disabilities who require institutional or residential care according to Title 53, chapter 20, which ~~components consist~~ *component consists* of:

~~(i) the Montana developmental center; and~~

~~(ii) the Eastmont human services center; and~~

(d) the veterans' nursing homes for the nursing home and domiciliary care of honorably discharged veterans as provided by law, consisting of:

(i) the Montana veterans' home; and

(ii) the eastern Montana veterans' home at Glendive.

(2) A state institution may not be moved, discontinued, or abandoned without the consent of the legislature."

Section 3. Section 53-20-102, MCA, is amended to read:

"53-20-102. Definitions. As used in this part, the following definitions apply:

(1) "Board" or "mental disabilities board of visitors" means the mental disabilities board of visitors created by 2-15-211.

(2) "Community-based facilities" or "community-based services" means those facilities and services that are available for the evaluation, treatment, and habilitation of persons with developmental disabilities in a community setting.

(3) "Court" means a district court of the state of Montana.

(4) "Developmental disabilities professional" means a licensed psychologist, a licensed psychiatrist, or a person with a master's degree in psychology, who:

(a) has training and experience in psychometric testing and evaluation;

(b) has experience in the field of developmental disabilities; and

(c) is certified, as provided in 53-20-106, by the department of public health and human services.

(5) "Developmental disability" means a disability that is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other neurologically disabling condition closely related to mental retardation and that requires treatment similar to that required by mentally retarded individuals. A developmental disability is a disability that originated before the individual attained age 18, that has continued or can be expected to continue indefinitely, and that results in the person having a substantial disability.

(6) "Habilitation" means the process by which a person who has a developmental disability is assisted in acquiring and maintaining those life skills that enable the person to cope more effectively with personal needs and the demands of the environment and in raising the level of the person's physical, mental, and social efficiency. Habilitation includes but is not limited to formal, structured education and treatment.

(7) "Individual treatment planning team" means the interdisciplinary team of persons involved in and responsible for the habilitation of a resident. The resident is a member of the team.

(8) "Next of kin" includes but is not limited to the spouse, parents, adult children, and adult brothers and sisters of a person.

(9) "Qualified mental retardation professional" means a professional program staff person for the residential facility who the department of public health and human services determines meets the professional requirements necessary for federal certification of the facility.

(10) "Resident" means a person committed to a residential facility.

(11) "Residential facility" or "facility" means the Montana developmental center ~~and the Eastmont human services center.~~

(12) "Residential facility screening team" means a team of persons, appointed as provided in 53-20-133, that is responsible for screening a respondent to determine if the commitment of the respondent to a residential facility is appropriate.

(13) "Respondent" means a person alleged in a petition filed pursuant to this part to be seriously developmentally disabled and in need of developmental disability services in a residential facility.

(14) "Responsible person" means a person willing and able to assume responsibility for a person who is seriously developmentally disabled or alleged to be seriously developmentally disabled.

(15) "Seriously developmentally disabled" means a person who:

(a) has a developmental disability;

(b) is impaired in cognitive functioning; and

(c) has behaviors that pose an imminent risk of serious harm to self or others or self-help deficits so severe as to require total care or near total care and who,

because of those behaviors or deficits, cannot be safely and effectively habilitated in community-based services.”

Section 4. Transfer of property — allowed purpose. Pursuant to 53-20-505 and 77-2-302, the former Eastmont human services center at Glendive is the property of the department of corrections, and the building may be used for any purpose determined appropriate by the department. Whenever possible, the department shall employ the former employees of the Eastmont human services center in the new program established at the facility.

Section 5. Transition. The Eastmont human services center must be closed by December 31, 2003, and be transferred to the department of corrections by that date. When the department contracts for additional group homes for the developmentally disabled, the department shall give priority to providing those homes in a community in eastern Montana in which a residential facility has been closed. It is the intent of the legislature that the department of public health and human services have access to the personal services contingency funds in House Bill No. 13 in order to address any severance pay and costs for reduction in force associated with the closure of Eastmont human services center.

Section 6. Repealer. Sections 53-20-501 and 53-20-502, MCA, are repealed.

Section 7. Codification instruction. [Section 4] is intended to be codified as an integral part of Title 53, chapter 1, part 2, and the provisions of Title 53, chapter 1, part 2, apply to [section 4].

Section 8. Effective date. [This act] is effective July 1, 2003.

Approved May 5, 2003

CHAPTER NO. 576

[HB 744]

AN ACT DIRECTING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO SEEK FEDERAL FUNDS TO OFFSET GENERAL FUND EXPENDITURES TO THE MAXIMUM EXTENT POSSIBLE; DIRECTING THE DEPARTMENT TO EVALUATE THE PROPOSED MEDICAID BLOCK GRANT AS PART OF REFINANCING ACTIVITIES AND REPORT FINDINGS AT EACH REGULAR MEETING OF THE LEGISLATIVE FINANCE COMMITTEE; PROVIDING FOR THE USE OF FUNDING OBTAINED PURSUANT TO THE DIRECTIVE; AUTHORIZING THE DEPARTMENT TO REINSTATE SERVICES IF AUTHORIZED BY THE OFFICE OF BUDGET AND PROGRAM PLANNING; AMENDING SECTIONS 17-2-108 AND 53-6-101, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Refinancing by department. The department of public health and human services shall seek federal funds to offset general fund expenditures to the maximum extent possible. The cost administration and any supporting contract efforts to claim federal funds above historic levels must be funded from anticipated and realized savings from refinancing work in the department of public health and human services. To the extent that the department of public health and human services is involved in refinancing work in other

departments, the department of public health and human services shall receive a share of savings generated in those departments through work conducted by the department of public health and human services, in an amount at least equal to the cost of conducting the work.

Section 2. Evaluation of proposed medicaid block grant and acceptance of grant. (1) As part of its refinancing duties, the department of public health and human services shall evaluate the proposed medicaid block grant and report its findings with respect to the criteria in subsection (2) to the legislative finance committee at each regular meeting of the committee.

(2) The department shall use the following criteria in its evaluation of the proposed medicaid block grant compared to other medicaid funding alternatives from which the state may choose:

(a) total cost to the state over the life of the block grant and during each year of the block grant compared to the state cost of maintaining medicaid eligibility and service levels funded by the legislature during the current biennium;

(b) types of flexibility;

(c) advantages and disadvantages; and

(d) policy choices that may occur.

(3) (a) The legislative finance committee shall review and analyze the department's findings and make a recommendation to the governor and to the department with regard to acceptance or rejection of the block grant if the state is required to make a decision as to whether to accept or reject the block grant prior to the next regular convening of the legislature.

(b) The governor shall consider the recommendation of the legislative finance committee and provide a written rationale to the committee if the recommendation of the committee is not followed.

Section 3. Use of funding obtained by refinancing. (1) It is the intent of the legislature that general fund savings generated through the refinancing work described in [section 1] be applied in the following priority:

(a) the savings must be applied to fund the refinancing activities;

(b) the department of public health and human services may retain funds to maintain existing services; and

(c) the department of public health and human services may use funds to reinstate services that have been cut during the 2003 biennium.

(2) Additional funds generated through refinancing savings, beyond those used pursuant to subsection (1), revert to the general fund. Prior to reinstating services pursuant to subsection (1)(c), the department shall receive approval from the office of budget and program planning of its service reinstatement plan.

(3) The provisions of 17-2-108 that require the expenditure of nongeneral fund money prior to the expenditure of general fund money do not apply to the expenditure of revenue made available to the department because of the refinancing efforts required by [section 1].

Section 4. Section 17-2-108, MCA, is amended to read:

"17-2-108. Expenditure of nongeneral fund money first. (1) Except for the exemptions applicable to the Montana historical society in 22-3-114(5), ~~and~~ the Montana state library in 22-1-226(5), *and the department of public health*

and human services in [section 3], an office or entity of the executive, legislative, or judicial branch of state government shall apply expenditures against appropriated nongeneral fund money whenever possible before using general fund appropriations.

(2) ~~The~~ Except as provided in [section 3], the approving authority, as defined in 17-7-102, shall authorize the decrease of the general fund appropriation of an agency by the amount of money received from federal sources in excess of the appropriation in an appropriation act unless the decrease is contrary to federal law, federal rule, or a contract or unless the approving authority certifies that the services to be funded by the additional money are significantly different than those for which the agency received the general fund appropriation. If directed by an appropriation act, the approving authority shall decrease the general fund appropriation of an agency by the amount of money received from nonfederal sources in excess of the appropriation unless the decrease is contrary to state law, state rule, or a contract or unless the approving authority certifies that the services to be funded by the additional money are significantly different than those for which the agency received the general fund appropriation. If the general fund appropriation of an agency is decreased pursuant to this section, the appropriation for the fund in which the money is received is increased in the amount of the general fund decrease."

Section 5. Section 53-6-101, MCA, is amended to read:

"53-6-101. Montana medicaid program — authorization of services.

(1) There is a Montana medicaid program established for the purpose of providing necessary medical services to eligible persons who have need for medical assistance. The Montana medicaid program is a joint federal-state program administered under this chapter and in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended. The department of public health and human services shall administer the Montana medicaid program.

(2) Medical assistance provided by the Montana medicaid program includes the following services:

- (a) inpatient hospital services;
- (b) outpatient hospital services;
- (c) other laboratory and x-ray services, including minimum mammography examination as defined in 33-22-132;
- (d) skilled nursing services in long-term care facilities;
- (e) physicians' services;
- (f) nurse specialist services;
- (g) early and periodic screening, diagnosis, and treatment services for persons under 21 years of age;
- (h) ambulatory prenatal care for pregnant women during a presumptive eligibility period, as provided in 42 U.S.C. 1396a(a)(47) and 42 U.S.C. 1396r-1;
- (i) targeted case management services, as authorized in 42 U.S.C. 1396n(g), for high-risk pregnant women;
- (j) services that are provided by physician assistants-certified within the scope of their practice and that are otherwise directly reimbursed as allowed under department rule to an existing provider;

(k) health services provided under a physician's orders by a public health department; and

(l) federally qualified health center services, as defined in 42 U.S.C. 1396d(l)(2).

(3) Medical assistance provided by the Montana medicaid program may, as provided by department rule, also include the following services:

(a) medical care or any other type of remedial care recognized under state law, furnished by licensed practitioners within the scope of their practice as defined by state law;

(b) home health care services;

(c) private-duty nursing services;

(d) dental services;

(e) physical therapy services;

(f) mental health center services administered and funded under a state mental health program authorized under Title 53, chapter 21, part 2;

(g) clinical social worker services;

(h) prescribed drugs, dentures, and prosthetic devices;

(i) prescribed eyeglasses;

(j) other diagnostic, screening, preventive, rehabilitative, chiropractic, and osteopathic services;

(k) inpatient psychiatric hospital services for persons under 21 years of age;

(l) services of professional counselors licensed under Title 37, chapter 23;

(m) hospice care, as defined in 42 U.S.C. 1396d(o);

(n) case management services as provided in 42 U.S.C. 1396d(a) and 1396n(g), including targeted case management services for the mentally ill;

(o) inpatient psychiatric services for persons under 21 years of age, as provided in 42 U.S.C. 1396d(h), in a residential treatment facility, as defined in 50-5-101, that is licensed in accordance with 50-5-201; and

(p) any additional medical service or aid allowable under or provided by the federal Social Security Act.

(4) Services for persons qualifying for medicaid under the medically needy category of assistance as described in 53-6-131 may be more limited in amount, scope, and duration than services provided to others qualifying for assistance under the Montana medicaid program. The department is not required to provide all of the services listed in subsections (2) and (3) to persons qualifying for medicaid under the medically needy category of assistance.

(5) In accordance with federal law or waivers of federal law that are granted by the secretary of the U.S. department of health and human services, the department of public health and human services may implement limited medicaid benefits, to be known as basic medicaid, for adult recipients who are eligible because they are receiving financial assistance, as defined in 53-4-201, as the specified caretaker relative of a dependent child under the FAIM project and for all adult recipients of medical assistance only who are covered under a group related to a program providing financial assistance, as defined in 53-4-201. Basic medicaid benefits consist of all mandatory services listed in subsections (2)(a) through (2)(l) but may include those optional services listed in

subsections (3)(a) through (3)(p) that the department in its discretion specifies by rule. The department, in exercising its discretion, may consider the amount of funds appropriated by the legislature, *whether approval has been received as provided in [section 3]*, and whether the provision of a particular service is commonly covered by private health insurance plans. However, a recipient who is pregnant, meets the criteria for disability provided in Title II of the Social Security Act, 42 U.S.C. 416, et seq., or is less than 21 years of age is entitled to full medicaid coverage.

(6) The department may implement, as provided for in Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended, a program under medicaid for payment of medicare premiums, deductibles, and coinsurance for persons not otherwise eligible for medicaid.

(7) The department may set rates for medical and other services provided to recipients of medicaid and may enter into contracts for delivery of services to individual recipients or groups of recipients.

(8) The services provided under this part may be only those that are medically necessary and that are the most efficient and cost-effective.

(9) The amount, scope, and duration of services provided under this part must be determined by the department in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended.

(10) Services, procedures, and items of an experimental or cosmetic nature may not be provided.

(11) If available funds are not sufficient to provide medical assistance for all eligible persons, the department may set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the medical services made available under the Montana medicaid program.

(12) Community-based medicaid services, as provided for in part 4 of this chapter, must be provided in accordance with the provisions of this chapter and the rules adopted under this chapter.

(13) Medicaid payment for personal-care facilities may not be made unless the department certifies to the director of the governor's office of budget and program planning that payment to this type of provider would, in the aggregate, be a cost-effective alternative to services otherwise provided."

Section 6. Codification instruction. [Sections 1 through 3] are intended to be codified as an integral part of Title 53, chapter 1, part 6, and the provisions of Title 53, chapter 1, part 6, apply to [sections 1 through 3].

Section 7. Effective date. [This act] is effective July 1, 2003.

Approved May 5, 2003

CHAPTER NO. 577

[SB 126]

AN ACT REVISING THE GENERAL LAW RELATING TO CATEGORIES OF PROPERTY THAT ARE EXEMPT FROM PROPERTY TAXATION BY INCORPORATING CONTINGENT AMENDMENTS INTO A SINGLE VERSION OF THE SECTION; CLARIFYING THE CATEGORIES OF PROPERTY THAT ARE EXEMPT FROM PROPERTY TAXATION; PROVIDING THAT BIOLOGICAL CONTROL INSECTS ARE AN

AGRICULTURAL PRODUCT AND RECEIVE AN AGRICULTURAL PRODUCT EXEMPTION; CLARIFYING PROPERTY TAX PROVISIONS RELATING TO INSURANCE COMPANIES BY REPEALING SPECIFIC LAWS THAT ARE REDUNDANT WITH GENERAL PROPERTY TAX LAWS; AMENDING SECTIONS 15-1-101, 15-6-201, AND 15-6-207, MCA, AND SECTION 31, CHAPTER 285, LAWS OF 1999; AND REPEALING SECTIONS 15-24-601 AND 15-24-602, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-1-101, MCA, is amended to read:

“15-1-101. Definitions. (1) Except as otherwise specifically provided, when terms mentioned in this section are used in connection with taxation, they are defined in the following manner:

(a) The term “agricultural” refers to:

(i) the production of food, feed, and fiber commodities, livestock and poultry, bees, *biological control insects*, fruits and vegetables, and sod, ornamental, nursery, and horticultural crops that are raised, grown, or produced for commercial purposes; and

(ii) the raising of domestic animals and wildlife in domestication or a captive environment.

(b) The term “assessed value” means the value of property as defined in 15-8-111.

(c) The term “average wholesale value” means the value to a dealer prior to reconditioning and the profit margin shown in national appraisal guides and manuals or the valuation schedules of the department.

(d) (i) The term “commercial”, when used to describe property, means property used or owned by a business, a trade, or a corporation as defined in 35-2-114 or used for the production of income, except property described in subsection (1)(d)(ii).

(ii) The following types of property are not commercial:

(A) agricultural lands;

(B) timberlands and forest lands;

(C) single-family residences and ancillary improvements and improvements necessary to the function of a bona fide farm, ranch, or stock operation;

(D) mobile homes and manufactured homes used exclusively as a residence except when held by a distributor or dealer as stock in trade; and

(E) all property described in 15-6-135.

(e) The term “comparable property” means property that:

(i) has similar use, function, and utility;

(ii) is influenced by the same set of economic trends and physical, governmental, and social factors; and

(iii) has the potential of a similar highest and best use.

(f) The term “credit” means solvent debts, secured or unsecured, owing to a person.

(g) (i) “Department”, except as provided in subsection (1)(g)(ii), means the department of revenue provided for in 2-15-1301.

(ii) In chapters 70 and 71, department means the department of transportation provided for in 2-15-2501.

(h) The terms “gas” and “natural gas” are synonymous and mean gas as defined in 82-1-111(2). The terms include all natural gases and all other fluid hydrocarbons, including methane gas or any other natural gas found in any coal formation.

(i) The term “improvements” includes all buildings, structures, fences, and improvements situated upon, erected upon, or affixed to land. When the department determines that the permanency of location of a mobile home, manufactured home, or house trailer has been established, the mobile home, manufactured home, or house trailer is presumed to be an improvement to real property. A mobile home, manufactured home, or house trailer may be determined to be permanently located only when it is attached to a foundation that cannot feasibly be relocated and only when the wheels are removed.

(j) The term “leasehold improvements” means improvements to mobile homes and mobile homes located on land owned by another person. This property is assessed under the appropriate classification, and the taxes are due and payable in two payments as provided in 15-24-202. Delinquent taxes on leasehold improvements are a lien only on the leasehold improvements.

(k) The term “livestock” means cattle, sheep, swine, goats, horses, mules, asses, llamas, alpacas, bison, ostriches, rheas, emus, and domestic ungulates.

(l) The term “manufactured home” means a residential dwelling built in a factory in accordance with the United States department of housing and urban development code and the federal Manufactured Home Construction and Safety Standards. A manufactured home does not include a mobile home, as defined in 61-1-501 and in subsection (1)(m) of this section, a house trailer, as defined in 61-1-501, or a mobile home or house trailer constructed before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976.

(m) The term “mobile home” means forms of housing known as “trailers”, “house trailers”, or “trailer coaches” exceeding 8 feet in width or 45 feet in length, designed to be moved from one place to another by an independent power connected to them, or any trailer, house trailer, or trailer coach up to 8 feet in width or 45 feet in length used as a principal residence.

(n) The term “personal property” includes everything that is the subject of ownership but that is not included within the meaning of the terms “real estate” and “improvements” and “intangible personal property” as that term is defined in 15-6-218.

(o) The term “poultry” includes all chickens, turkeys, geese, ducks, and other birds raised in domestication to produce food or feathers.

(p) The term “property” includes money, credits, bonds, stocks, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership. This definition may not be construed to authorize the taxation of the stocks of a company or corporation when the property of the company or corporation represented by the stocks is within the state and has been taxed.

(q) The term “real estate” includes:

(i) the possession of, claim to, ownership of, or right to the possession of land;

(ii) all mines, minerals, and quarries in and under the land subject to the provisions of 15-23-501 and Title 15, chapter 23, part 8;

(iii) all timber belonging to individuals or corporations growing or being on the lands of the United States; and

(iv) all rights and privileges appertaining to mines, minerals, quarries, and timber.

(r) "Recreational" means hunting, fishing, swimming, boating, waterskiing, camping, biking, hiking, and winter sports, including but not limited to skiing, skating, and snowmobiling.

(s) "Research and development firm" means an entity incorporated under the laws of this state or a foreign corporation authorized to do business in this state whose principal purpose is to engage in theoretical analysis, exploration, and experimentation and the extension of investigative findings and theories of a scientific and technical nature into practical application for experimental and demonstration purposes, including the experimental production and testing of models, devices, equipment, materials, and processes.

(t) The term "stock in trade" means any mobile home, manufactured home, or house trailer that is listed by the dealer as inventory and that is offered for sale, is unoccupied, and is not located on a permanent foundation. Inventory does not have to be located at the business location of a dealer or a distributor.

(u) The term "taxable value" means the percentage of market or assessed value as provided for in Title 15, chapter 6, part 1.

(2) The phrase "municipal corporation" or "municipality" or "taxing unit" includes a county, city, incorporated town, township, school district, irrigation district, or drainage district or a person, persons, or organized body authorized by law to establish tax levies for the purpose of raising public revenue.

(3) The term "state board" or "board" when used without other qualification means the state tax appeal board."

Section 2. Section 15-6-201, MCA, is amended to read:

"15-6-201. ~~(Temporary)~~ Exempt categories. (1) The following categories of property are exempt from taxation:

(a) except as provided in 15-24-1203, the property of:

(i) the United States, except:

(A) if congress passes legislation that allows the state to tax property owned by the federal government or an agency created by congress; or

(B) as provided in 15-24-1103;

(ii) the state, counties, cities, towns, and school districts;

(iii) irrigation districts organized under the laws of Montana and not operating for profit;

(iv) municipal corporations;

(v) public libraries; and

(vi) rural fire districts and other entities providing fire protection under Title 7, chapter 33;

(b) buildings, with land that they occupy and furnishings in the buildings, that are owned by a church and used for actual religious worship or for residences of the clergy, together with adjacent land reasonably necessary for convenient use of the buildings;

(c) property used exclusively for agricultural and horticultural societies, for educational purposes, and for nonprofit health care facilities, as defined in 50-5-101, licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3. A health care facility that is not licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3, is not exempt.

(d) property that is:

(i) owned and held by an association or corporation organized under Title 35, chapter 2, 3, 20, or 21;

(ii) devoted exclusively to use in connection with a cemetery or cemeteries for which a permanent care and improvement fund has been established as provided for in Title 35, chapter 20, part 3; and

(iii) not maintained and operated for private or corporate profit;

(e) subject to subsection (2), property that is owned or property that is leased from a federal, state, or local governmental entity by institutions of purely public charity if the property is directly used for purely public charitable purposes;

(f) evidence of debt secured by mortgages of record upon real or personal property in the state of Montana;

(g) public museums, art galleries, zoos, and observatories that are not used or held for private or corporate profit;

(h) all household goods and furniture, including but not limited to clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence;

(i) truck canopy covers or toppers and campers;

(j) a bicycle, as defined in 61-1-123, used by the owner for personal transportation purposes;

(k) motor homes;

(l) all watercraft;

(m) motor vehicles, land, fixtures, buildings, and improvements owned by a cooperative association or nonprofit corporation organized to furnish potable water to its members or customers for uses other than the irrigation of agricultural land;

(n) the right of entry that is a property right reserved in land or received by mesne conveyance (exclusive of leasehold interests), devise, or succession to enter land with a surface title that is held by another to explore, prospect, or dig for oil, gas, coal, or minerals;

(o) (i) property that is owned and used by a corporation or association organized and operated exclusively for the care of persons with developmental disabilities, persons with mental illness, or persons with physical or mental impairments that constitute or result in substantial impediments to employment and that is not operated for gain or profit; and

(ii) property that is owned and used by an organization owning and operating facilities that are for the care of the retired, aged, or chronically ill and that are not operated for gain or profit;

(p) all farm buildings with a market value of less than \$500 and all agricultural implements and machinery with a market value of less than \$100;

(q) property owned by a nonprofit corporation that is organized to provide facilities primarily for training and practice for or competition in international sports and athletic events and that is not held or used for private or corporate gain or profit. For purposes of this subsection (1)(q), "nonprofit corporation" means an organization that is exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and admitted under the Montana Nonprofit Corporation Act.

(r) (i) the first \$15,000 or less of market value of tools owned by the taxpayer that are customarily hand-held and that are used to:

(A) construct, repair, and maintain improvements to real property; or

(B) repair and maintain machinery, equipment, appliances, or other personal property;

(ii) space vehicles and all machinery, fixtures, equipment, and tools used in the design, manufacture, launch, repair, and maintenance of space vehicles that are owned by businesses engaged in manufacturing and launching space vehicles in the state or that are owned by a contractor or subcontractor of that business and that are directly used for space vehicle design, manufacture, launch, repair, and maintenance;

(s) harness, saddlery, and other tack equipment;

(t) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in 33-25-105;

(u) timber as defined in 15-44-102;

(v) all trailers as defined in 61-1-111, semitrailers as defined in 61-1-112, pole trailers as defined in 61-1-114, and travel trailers as defined in 61-1-131;

(w) all vehicles registered under 61-3-456;

(x) (i) buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors, including buses, trucks, and truck tractors apportioned under Title 61, chapter 3, part 7; and

(ii) personal property that is attached to a bus, truck, or truck tractor that is exempt under subsection (1)(x)(i);

(y) motorcycles and quadricycles;

(z) ~~the following percentage~~ 31% of the market value of residential property as described in 15-6-134(1)(e) and (1)(f):

~~(i) 23% for tax year 2000;~~

~~(ii) 27.5% for tax year 2001; and~~

~~(iii) 31% for tax year 2002 and succeeding tax years;~~

(aa) ~~the following percentage~~ 13% of the market value of commercial property as described in 15-6-134(1)(g):

~~(i) 9% for tax year 2000;~~

~~(ii) 11% for tax year 2001; and~~

~~(iii) 13% for tax year 2002 and succeeding tax years;~~

(bb) personal property used by an industrial dairy or an industrial milk processor and dairy livestock used by an industrial dairy;

(cc) items of personal property intended for rent or lease in the ordinary course of business if each item of personal property satisfies all of the following:

(i) the acquired cost of the personal property is less than \$15,000;

(ii) the personal property is owned by a business whose primary business income is from rental or lease of personal property to individuals and no one customer of the business accounts for more than 10% of the total rentals or leases during a calendar year; and

(iii) the lease of the personal property is generally on an hourly, daily, or weekly basis;

(dd) all manufacturing machinery, fixtures, equipment, and tools used for the production of ethanol from grain during the course of the construction of an ethanol manufacturing facility and for 10 years after completion of construction of the manufacturing facility; ~~and~~

(ee) light vehicles as defined in 61-1-139; and

(ff) the following property, except property included in 15-6-135, 15-6-137, 15-6-141, 15-6-145, and 15-6-156, if the tax rate in 15-6-138 reaches zero:

(i) all agricultural implements and equipment;

(ii) all mining machinery, fixtures, equipment, tools, and supplies;

(iii) all oil and gas production machinery, fixtures, equipment, including pumping units, oil field storage tanks, water storage tanks, water disposal injection pumps, gas compressor and dehydrator units, communication towers, gas metering shacks, treaters, gas separators, water flood units, gas boosters, and similar equipment that is skidable, portable, or movable, tools, and supplies;

(iv) all manufacturing machinery, fixtures, equipment, tools, and supplies;

(v) all goods and equipment that are intended for rent or lease;

(vi) special mobile equipment as defined in 61-1-104;

(vii) furniture, fixtures, and equipment;

(viii) x-ray and medical and dental equipment;

(ix) citizens' band radios and mobile telephones;

(x) radio and television broadcasting and transmitting equipment;

(xi) cable television systems;

(xii) coal and ore haulers; and

(xiii) theater projectors and sound equipment.

(2) (a) For the purposes of subsection (1)(e):

(i) the term "institutions of purely public charity" includes any organization that meets the following requirements:

(A) The organization offers its charitable goods or services to persons without regard to race, religion, creed, or gender and qualifies as a tax-exempt organization under the provisions of section 501(c)(3), Internal Revenue Code, as amended.

(B) The organization accomplishes its activities through absolute gratuity or grants. However, the organization may solicit or raise funds by the sale of merchandise, memberships, or tickets to public performances or entertainment or by other similar types of fundraising activities.

(ii) agricultural property owned by a purely public charity is not exempt if the agricultural property is used by the charity to produce unrelated business taxable income as that term is defined in section 512 of the Internal Revenue Code, 26 U.S.C. 512. A public charity claiming an exemption for agricultural property shall file annually with the department a copy of its federal tax return reporting any unrelated business taxable income received by the charity during the tax year, together with a statement indicating whether the exempt property was used to generate any unrelated business taxable income.

(b) For the purposes of subsection (1)(g), the term “public museums, art galleries, zoos, and observatories” means governmental entities or nonprofit organizations whose principal purpose is to hold property for public display or for use as a museum, art gallery, zoo, or observatory. The exempt property includes all real and personal property reasonably necessary for use in connection with the public display or observatory use. Unless the property is leased for a profit to a governmental entity or nonprofit organization by an individual or for-profit organization, real and personal property owned by other persons is exempt if it is:

(i) actually used by the governmental entity or nonprofit organization as a part of its public display;

(ii) held for future display; or

(iii) used to house or store a public display.

(3) For the purposes of subsection (1)(bb):

(a) “industrial dairy” means a large-scale dairy operation with 1,000 or more milking cows and includes the dairy livestock and integral machinery and equipment that the dairy uses to produce milk and milk products solely for export from the state, either directly by the dairy or after the milk or milk product has been further processed by an industrial milk processor. After export, any unprocessed milk must be further processed into other dairy products.

(b) “industrial milk processor” means a facility and integral machinery used solely to process milk into milk products for export from the state.

(4) The following portions of the appraised value of a capital investment in a recognized nonfossil form of energy generation or low emission wood or biomass combustion devices, as defined in 15-32-102, are exempt from taxation for a period of 10 years following installation of the property:

(a) \$20,000 in the case of a single-family residential dwelling;

(b) \$100,000 in the case of a multifamily residential dwelling or a nonresidential structure.

~~15-6-201. (Effective on occurrence of contingency) Exempt categories.~~ (1) The following categories of property are exempt from taxation:

~~(a) except as provided in 15-24-1203, the property of:~~

~~(i) the United States, except:~~

~~(A) if congress passes legislation that allows the state to tax property owned by the federal government or an agency created by congress; or~~

~~(B) as provided in 15-24-1103;~~

~~(ii) the state, counties, cities, towns, and school districts;~~

~~(iii) irrigation districts organized under the laws of Montana and not operating for profit;~~

~~(iv) municipal corporations;~~

~~(v) public libraries; and~~

~~(vi) rural fire districts and other entities providing fire protection under Title 7, chapter 33;~~

~~(b) buildings, with land that they occupy and furnishings in the buildings, that are owned by a church and used for actual religious worship or for residences of the clergy, together with adjacent land reasonably necessary for convenient use of the buildings;~~

~~(c) property used exclusively for agricultural and horticultural societies, for educational purposes, and for nonprofit health care facilities, as defined in 50-5-101, licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3. A health care facility that is not licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3, is not exempt.~~

~~(d) property that is:~~

~~(i) owned and held by an association or corporation organized under Title 35, chapter 2, 3, 20, or 21;~~

~~(ii) devoted exclusively to use in connection with a cemetery or cemeteries for which a permanent care and improvement fund has been established as provided for in Title 35, chapter 20, part 3; and~~

~~(iii) not maintained and operated for private or corporate profit;~~

~~(e) subject to subsection (2), property that is owned or property that is leased from a federal, state, or local governmental entity by institutions of purely public charity if the property is directly used for purely public charitable purposes;~~

~~(f) evidence of debt secured by mortgages of record upon real or personal property in the state of Montana;~~

~~(g) public museums, art galleries, zoos, and observatories that are not used or held for private or corporate profit;~~

~~(h) all household goods and furniture, including but not limited to clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence;~~

~~(i) truck canopy covers or toppers and campers;~~

~~(j) a bicycle, as defined in 61-1-123, used by the owner for personal transportation purposes;~~

~~(k) motor homes;~~

~~(l) all watercraft;~~

~~(m) motor vehicles, land, fixtures, buildings, and improvements owned by a cooperative association or nonprofit corporation organized to furnish potable water to its members or customers for uses other than the irrigation of agricultural land;~~

~~(n) the right of entry that is a property right reserved in land or received by mesne conveyance (exclusive of leasehold interests), devise, or succession to~~

~~enter land with a surface title that is held by another to explore, prospect, or dig for oil, gas, coal, or minerals;~~

~~(o) (i) property that is owned and used by a corporation or association organized and operated exclusively for the care of persons with developmental disabilities, persons with mental illness, or persons with physical or mental impairments that constitute or result in substantial impediments to employment and that is not operated for gain or profit; and~~

~~(ii) property that is owned and used by an organization owning and operating facilities that are for the care of the retired, aged, or chronically ill and that are not operated for gain or profit;~~

~~(p) all farm buildings with a market value of less than \$500 and all agricultural implements and machinery with a market value of less than \$100;~~

~~(q) property owned by a nonprofit corporation that is organized to provide facilities primarily for training and practice for or competition in international sports and athletic events and that is not held or used for private or corporate gain or profit. For purposes of this subsection (1)(q), "nonprofit corporation" means an organization that is exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and admitted under the Montana Nonprofit Corporation Act.~~

~~(r) (i) the first \$15,000 or less of market value of tools owned by the taxpayer that are customarily hand held and that are used to:~~

~~(A) construct, repair, and maintain improvements to real property; or~~

~~(B) repair and maintain machinery, equipment, appliances, or other personal property;~~

~~(ii) space vehicles and all machinery, fixtures, equipment, and tools used in the design, manufacture, launch, repair, and maintenance of space vehicles that are owned by businesses engaged in manufacturing and launching space vehicles in the state or that are owned by a contractor or subcontractor of that business and that are directly used for space vehicle design, manufacture, launch, repair, and maintenance;~~

~~(s) harness, saddlery, and other tack equipment;~~

~~(t) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in 33-25-105;~~

~~(u) timber as defined in 15-44-102;~~

~~(v) all trailers as defined in 61-1-111, semitrailers as defined in 61-1-112, pole trailers as defined in 61-1-114, and travel trailers as defined in 61-1-131;~~

~~(w) all vehicles registered under 61-3-456;~~

~~(x) (i) buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors, including buses, trucks, and truck tractors apportioned under Title 61, chapter 3, part 7; and~~

~~(ii) personal property that is attached to a bus, truck, or truck tractor that is exempt under subsection (1)(x)(i);~~

~~(y) motorcycles and quadricycles;~~

~~(z) the following percentage of the market value of residential property as described in 15-6-134(1)(e) and (1)(f):~~

~~(i) 23% for tax year 2000;~~

- ~~(ii) 27.5% for tax year 2001; and~~
- ~~(iii) 31% for tax year 2002 and succeeding tax years;~~
- ~~(aa) the following percentage of the market value of commercial property as described in 15-6-134(1)(g):~~
 - ~~(i) 9% for tax year 2000;~~
 - ~~(ii) 11% for tax year 2001; and~~
 - ~~(iii) 13% for tax year 2002 and succeeding tax years;~~
- ~~(bb) personal property used by an industrial dairy or an industrial milk processor and dairy livestock used by an industrial dairy;~~
- ~~(cc) items of personal property intended for rent or lease in the ordinary course of business if each item of personal property satisfies all of the following:~~
 - ~~(i) the acquired cost of the personal property is less than \$15,000;~~
 - ~~(ii) the personal property is owned by a business whose primary business income is from rental or lease of personal property to individuals and no one customer of the business accounts for more than 10% of the total rentals or leases during a calendar year; and~~
 - ~~(iii) the lease of the personal property is generally on an hourly, daily, or weekly basis;~~
- ~~(dd) all agricultural implements and equipment;~~
- ~~(ee) all mining machinery, fixtures, equipment, tools, and supplies except those included in class five;~~
- ~~(ff) all manufacturing machinery, fixtures, equipment, tools, and supplies except those included in class five;~~
- ~~(gg) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class;~~
- ~~(hh) special mobile equipment as defined in 61-1-104;~~
- ~~(ii) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;~~
- ~~(jj) x-ray and medical and dental equipment;~~
- ~~(kk) citizens' band radios and mobile telephones;~~
- ~~(ll) radio and television broadcasting and transmitting equipment;~~
- ~~(mm) cable television systems;~~
- ~~(nn) coal and ore haulers;~~
- ~~(oo) theater projectors and sound equipment; and~~
- ~~(pp) light vehicles as defined in 61-1-139.~~
- ~~(2) (a) For the purposes of subsection (1)(c):~~
 - ~~(i) the term "institutions of purely public charity" includes any organization that meets the following requirements:~~
 - ~~(A) The organization offers its charitable goods or services to persons without regard to race, religion, creed, or gender and qualifies as a tax-exempt organization under the provisions of section 501(c)(3), Internal Revenue Code, as amended.~~

~~(B) The organization accomplishes its activities through absolute gratuity or grants. However, the organization may solicit or raise funds by the sale of merchandise, memberships, or tickets to public performances or entertainment or by other similar types of fundraising activities.~~

~~(ii) agricultural property owned by a purely public charity is not exempt if the agricultural property is used by the charity to produce unrelated business taxable income as that term is defined in section 512 of the Internal Revenue Code, 26 U.S.C. 512. A public charity claiming an exemption for agricultural property shall file annually with the department a copy of its federal tax return reporting any unrelated business taxable income received by the charity during the tax year, together with a statement indicating whether the exempt property was used to generate any unrelated business taxable income.~~

~~(b) For the purposes of subsection (1)(g), the term "public museums, art galleries, zoos, and observatories" means governmental entities or nonprofit organizations whose principal purpose is to hold property for public display or for use as a museum, art gallery, zoo, or observatory. The exempt property includes all real and personal property reasonably necessary for use in connection with the public display or observatory use. Unless the property is leased for a profit to a governmental entity or nonprofit organization by an individual or for-profit organization, real and personal property owned by other persons is exempt if it is:~~

~~(i) actually used by the governmental entity or nonprofit organization as a part of its public display;~~

~~(ii) held for future display; or~~

~~(iii) used to house or store a public display.~~

~~(3) For the purposes of subsection (1)(bb):~~

~~(a) "industrial dairy" means a large scale dairy operation with 1,000 or more milking cows and includes the dairy livestock and integral machinery and equipment that the dairy uses to produce milk and milk products solely for export from the state, either directly by the dairy or after the milk or milk product has been further processed by an industrial milk processor. After export, any unprocessed milk must be further processed into other dairy products.~~

~~(b) "industrial milk processor" means a facility and integral machinery used solely to process milk into milk products for export from the state.~~

~~(4) The following portions of the appraised value of a capital investment in a recognized nonfossil form of energy generation or low emission wood or biomass combustion devices, as defined in 15-32-102, are exempt from taxation for a period of 10 years following installation of the property:~~

~~(a) \$20,000 in the case of a single-family residential dwelling;~~

~~(b) \$100,000 in the case of a multifamily residential dwelling or a nonresidential structure."~~

Section 3. Section 15-6-207, MCA, is amended to read:

"15-6-207. Agricultural exemptions. (1) The following agricultural products are exempt from taxation:

(a) all unprocessed agricultural products on the farm or in storage and owned by the producer;

(b) all producer-held grain in storage;

- (c) all unprocessed agricultural products;
- (d) all livestock and the unprocessed products of livestock;
- (e) poultry and the unprocessed products of poultry; ~~and~~
- (f) bees and the unprocessed product of bees; *and*
- (g) *biological control insects.*

(2) Any beet digger, beet topper, beet defoliator, beet thinner, beet cultivator, beet planter, or beet top saver designed exclusively to plant, cultivate, and harvest sugar beets is exempt from taxation if the implement has not been used to plant, cultivate, or harvest sugar beets for the 2 years immediately preceding the current assessment date and there are no available sugar beet contracts in the sugar beet grower's marketing area."

Section 4. Repealer. Sections 15-24-601 and 15-24-602, MCA, are repealed.

Section 5. Section 31, Chapter 285, Laws of 1999, is amended to read:

"Section 31. Effective dates. (1) [Sections 1, 11, 12, 15, 22, 26, 28 through 30, and 32 and this section] are effective on passage and approval.

(2) [Sections 3 through 9 and 23] are effective July 1, 2000.

(3) [Sections 2, 10, 13, 14, 16 through 21, 24, 25, and 27(1)] are effective January 1, 2003.

(4) ~~[Sections 13(1)(aa) through (1)(ll) and 27(2)]~~ are [Section 27(2)] is effective if the tax rate in [section 12], amending 15-6-138, reaches zero."

Approved May 5, 2003

CHAPTER NO. 578

[SB 270]

AN ACT REQUIRING THE DEPARTMENT OF LABOR AND INDUSTRY TO APPOINT AN INTERIM ADVISORY COMMITTEE TO STUDY ISSUES RELATED TO INDEPENDENT CONTRACTORS AND TO MAKE RECOMMENDATIONS TO THE 59TH LEGISLATURE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Study of independent contractor exemption. (1) The commissioner of labor and industry shall appoint an advisory committee that will serve on a volunteer basis to define the term "independent contractor" and study the issues related to exemptions of independent contractors from coverage under the Workers' Compensation Act.

(2) The advisory committee must consist of:

- (a) members representing business and community interests;
- (b) members representing workers' compensation insurers;
- (c) members representing building contractors of whom at least one-half must be independent contractors;
- (d) members representing labor organizations; and
- (e) a representative from the department of labor and industry.

(3) The committee is exempt from the requirements of 2-15-122 or 2-15-124.

(4) The department of labor and industry shall periodically report its findings and progress to the economic affairs interim committee, including any recommendations for proposed legislation to the 59th legislature regarding independent contractors.

Section 2. Effective date. [This act] is effective on passage and approval.

Approved May 5, 2003

CHAPTER NO. 579

[SB 370]

AN ACT REVISING WHICH ENTITIES PAY FOR THE MEDICAL EXPENSES OF INMATES HELD IN COUNTY DETENTION FACILITIES; PROVIDING CIRCUMSTANCES UNDER WHICH THE INMATE IS RESPONSIBLE FOR PAYMENT; REQUIRING THE HEALTH CARE PROVIDER TO COLLECT PAYMENTS FOR TREATMENT FROM INMATES WHO ARE ABLE TO PAY; PROVIDING CIRCUMSTANCES UNDER WHICH THE COUNTY IS RESPONSIBLE FOR PAYMENT; AMENDING SECTIONS 7-32-2222 AND 7-32-2245, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 7-32-2222, MCA, is amended to read:

"7-32-2222. Health and safety of prisoners. (1) Each detention center shall comply with state and local fire codes for correctional occupancy and with sanitation, safety, and health codes.

(2) Designated exits must permit prompt evacuation of inmates and detention center staff in an emergency.

(3) When there is good reason to believe that the inmates may be injured or endangered, the detention center administrator shall remove them to a safe and convenient place and confine them there as long as necessary to avoid the danger.

~~(4) (a) If in the opinion of the detention center administrator an inmate under the administrator's jurisdiction requires medication, medical services, or hospitalization, the expense must be borne by the arresting agency when the arresting agency is not the county in which the inmate is confined, except as provided in 7-32-2245 or subsection (4)(b) of this section.~~

~~(b) If a city or town commits a person to the detention center of the county in which the city or town is located for a reason other than detention pending trial for or detention for service of a sentence for violating an ordinance of that city or town, the expense must be paid by the county, except as provided in 7-32-2245. If the department of corrections is the arresting agency and the inmate is a probation violator, the expense must be paid by the county in which the district court that retains jurisdiction over the inmate is located, except as provided in 7-32-2245.~~

~~(c) The county attorney shall initiate proceedings to collect from the inmate any charges arising from the medical services or hospitalization for the inmate involved in accordance with 7-32-2245."~~

Section 2. Section 7-32-2245, MCA, is amended to read:

"7-32-2245. Payment of confinement and medical costs by inmate. (1)

An inmate found by the sentencing court to have the ability to pay is liable for the costs, including actual medical costs, of the inmate's confinement in a detention center. The rate for confinement costs must be determined in accordance with 46-18-403. Confinement costs, other than actual medical costs, must be ordered by the court and must be paid in advance of confinement and prior to payment of any fine.

~~(2) An If an inmate requires medical treatment, the inmate is responsible for the actual costs of medication, medical services, or hospitalization while the inmate is detained in a detention center. Inability to pay may not be a factor in providing necessary medical care for an inmate. This section does not restrict an inmate's right to use a third-party payor~~ medical costs associated with:

(a) preexisting conditions;

(b) self-inflicted injuries while in custody;

(c) injuries incurred while in custody if the injuries are not the result of negligent or intentionally torturous acts committed by the detention center administrator or a member of the administrator's staff;

(d) injuries incurred during the commission of a crime or while unlawfully resisting arrest or attempting to avoid an arrest; and

(e) any other injuries or illnesses that are not the responsibility of other entities as provided in 7-32-2242(3) and [section 3].

(3) (a) If an inmate is found to be able to pay for the inmate's medical costs, as provided in subsections (1) and (2), the health care provider who treats the inmate shall collect the cost of the treatment from the inmate or the detention center administrator may arrange with the health care provider to pursue reimbursement from a third-party payor for the services provided.

(b) If the health care provider is unable to collect from the inmate or third-party payor within 120 days from the date of the service, the county is responsible for reimbursing the health care provider for the services at:

(i) the medicaid reimbursement rate or at a rate that is 70% of the provider's customary charges, whichever is greater; or

(ii) a negotiated rate.

(c) If the health care provider is reimbursed by the inmate or the third-party payor after the provider has been reimbursed by the county, the provider shall refund to the county the amount that the provider had been paid by the county for the services provided to the inmate.

(4) Inability to pay may not be a factor in providing necessary medical care for an inmate.

(5) This section does not restrict an inmate's right to use a third-party payor.

(6) If a city or town is the arresting agency and commits a person to the detention center of the county in which the city or town is located, the inmate is responsible for the inmate's medical expenses and the provisions of this section apply."

Section 3. Payment of medical costs by entities other than inmate.

(1) The detention center administrator shall forward to the appropriate

arresting agency all charges for medical treatment for which the agency is responsible.

(2) When the inmate is in the custody of a county detention center and the detention center administrator determines that the inmate requires medical treatment, the county or the arresting agency is responsible for medical costs associated with:

(a) conditions that are not preexisting;

(b) injuries incurred by the inmate:

(i) while in the custody of the detention center if the injuries are the result of an accident, an assault by another inmate, or negligent or intentionally torturous acts committed by the detention center administrator or the administrator's staff;

(ii) during the arrest of the inmate by the sheriff or the sheriff's staff if the injuries were not incurred while unlawfully resisting arrest; or

(iii) while on a work program or while the inmate is performing duties assigned by the detention center administrator or the administrator's staff;

(c) infections or contagious or communicable diseases that the inmate contracts while in the custody of the detention center; or

(d) medical examinations that are required by law or court order unless the order provides otherwise.

(3) In order to determine which entity is responsible for medical charges that are not the responsibility of the inmate, the following applies:

(a) If the arresting agency is a law enforcement agency whose jurisdiction is limited to the county boundaries of the county or a municipality in the county where the detention center is located, then the county is responsible.

(b) If the arresting agency is a law enforcement agency with statewide jurisdiction or whose jurisdiction is a county or municipality in a county other than the county where the detention center is located, then the arresting agency is responsible.

(c) If a municipality commits a person to the detention center of the county in which the municipality is located for a reason other than detention pending trial for or detention for service of a sentence for violating an ordinance of that municipality, then the county in which the municipality is located is responsible.

(4) For the purposes of 7-32-2245 and this section, "preexisting condition" means an illness or condition that began or injuries that were sustained before a person was in the custody of county officers.

Section 4. Codification instruction. [Section 3] is intended to be codified as an integral part of Title 7, chapter 32, part 22, and the provisions of Title 7, chapter 32, part 22, apply to [section 3].

Section 5. Effective date. [This act] is effective on passage and approval.

Approved May 5, 2003

CHAPTER NO. 580

[SB 375]

AN ACT RESTRICTING THE USE OF BALED WASTE TIRES; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Baled waste tires prohibited — exception — department rules. (1) Waste tires that are mechanically compressed or baled and bound together with cable, straps, wires, or other nonpermanent mechanical devices may not be used for any aboveground purpose within 500 feet of any road, commercial business, or private residence without the consent of the owner of the business or residence unless they are encased in a material that will maintain the integrity of the bale upon failure of the bale restraining devices. Notwithstanding any other provision of law, the department shall adopt rules authorizing other aboveground uses for baled waste tires, whether or not they are defined as solid waste.

(2) Baled waste tires, as described in subsection (1), may not be placed under water under any circumstances or in a location where they are likely to enter any state waters.

(3) A bale of waste tires that loses its integrity is solid waste and is subject to disposal requirements and penalties as provided in this part.

Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 75, chapter 10, part 2, and the provisions of Title 75, chapter 10, part 2, apply to [section 1].

Section 3. Effective date. [This act] is effective on passage and approval.

Approved May 5, 2003

CHAPTER NO. 581

[SB 381]

AN ACT PROVIDING THAT THE USE OF ARBITRATION FOR DISPUTE RESOLUTION UNDER THE NATURAL STREAMBED AND LAND PRESERVATION ACT OF 1975 IS NOT MANDATORY; AND AMENDING SECTIONS 75-7-111, 75-7-112, 75-7-113, 75-7-116, 75-7-117, AND 75-7-121, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 75-7-111, MCA, is amended to read:

“75-7-111. Notice of project. (1) A person planning to engage in a project shall present written notice of the proposed project to the supervisors before any portion of the project takes place.

(2) The notice must include the location, general description, and preliminary plan of the project.

(3) At the time of filing a notice of the proposed project under subsection (1), the applicant ~~shall~~ may sign an arbitration agreement as provided in 75-7-117.

(4) The district may authorize a representative to accept notices of proposed projects.”

Section 2. Section 75-7-112, MCA, is amended to read:

“75-7-112. Procedure for considering projects — team. (1) Upon acceptance of a notice of a proposed project, the district or the district's authorized representative shall, within 10 working days, notify the department of the project. If at any time during the review process the supervisors determine that provisions of this part do not apply to a notice of the proposed project, the applicant may proceed upon written notice of the supervisors. The department shall, within 5 working days of receipt of the notification, inform the supervisors whether the department requests an onsite inspection by a team.

(2) The supervisors shall call a team together within 20 days of receipt of the request of the department for an onsite inspection. A member of the team shall notify the supervisors in writing, within 5 working days after notice of the call for an inspection, of the team member's waiver of participation in the inspection. If the department does not request an onsite inspection within the time specified in this subsection, the supervisors may deny, approve, or modify the project.

(3) Each member of the team shall recommend in writing, within 30 days of the date of inspection, denial, approval, or modification of the project to the supervisors. The applicant may waive participation in this recommendation.

(4) The supervisors shall review the proposed project and affirm, overrule, or modify the individual team recommendations and notify the applicant and team members, within 60 days of the date of application, of their decision.

(5) (a) When a member of the team, *other than an applicant that has not agreed to arbitration*, disagrees with the supervisors' decision, the team member shall request, within 5 working days of receipt of the supervisors' decision, that an arbitration panel as provided in 75-7-114 be appointed to hear the dispute and make a final written decision regarding the dispute.

(b) *When an applicant that has not agreed to arbitration under 75-7-111 disagrees with the supervisors' decision, the applicant shall, within 15 working days of receipt of the supervisors' decision:*

(i) agree to arbitration under this section and request that an arbitration panel, as provided for in 75-7-114, be appointed to hear the dispute and make a final written decision regarding the dispute; or

(ii) appeal the decision of the supervisors to the district court for the county where the project is located.

(6) Upon written consent of the supervisors, the applicant shall notify the supervisors in writing within 15 days if the applicant wishes to proceed with the project in accordance with the supervisors' decision. Work may not be commenced on a project before the end of the 15-day waiting period unless written permission is given by all team members and the district.

(7) The supervisors may extend, upon the request of a team member, the time limits provided in subsections (3) and (4) when, in their determination, the time provided is not sufficient to carry out the purposes of this part. The time extension may not, in total, exceed 1 year from the date of application. The applicant must be notified, within 60 days of the date of application, of the initial time extension and must be notified immediately of any subsequent time extensions.

(8) Work on a project under this part may not take place without the written consent of the supervisors.

(9) The team, in making its recommendation, and the supervisors, in denying, approving, or modifying a project, shall determine:

(a) the purpose of the project; and

(b) whether the proposed project is a reasonable means of accomplishing the purpose of the proposed project. To determine if the project is reasonable, the following must be considered:

(i) the effects on soil erosion and sedimentation, considering the methods available to complete the project and the nature and economics of the various alternatives;

(ii) whether there are modifications or alternative solutions that are reasonably practical that would reduce the disturbance to the stream and its environment and better accomplish the purpose of the proposed project;

(iii) whether the proposed project will create harmful flooding or erosion problems upstream or downstream;

(iv) the effects on stream channel alteration;

(v) the effects on streamflow, turbidity, and water quality caused by materials used or by removal of ground cover; and

(vi) the effect on fish and aquatic habitat.

(10) If the supervisors determine that a proposed project or part of a proposed project should be modified, they may condition their approval upon the modification.

(11) The supervisors may not approve or modify a proposed project unless the supervisors determine that the purpose of the proposed project will be accomplished by reasonable means."

Section 3. Section 75-7-113, MCA, is amended to read:

"75-7-113. Emergencies — procedure. (1) The provisions of this part do not apply to those actions that are necessary to safeguard life or property, including growing crops, during periods of emergency. The person responsible for a taking action under this section shall notify the supervisors in writing within 15 days of the action taken as a result of an emergency.

(2) The emergency notice given under subsection (1) must contain the following information:

(a) the location of the action taken;

(b) a general description of the action taken;

(c) the date on which the action was taken; and

(d) an explanation of the emergency causing the need for the action taken.

(3) If the supervisors determine that the action taken meets the definition of a project, the supervisors shall send one copy of the notice, within 5 working days of its receipt, to the department.

(4) A team, called together as described in 75-7-112(2), shall make an onsite inspection within 20 days of receipt of the emergency notice.

(5) Each member of the team shall recommend in writing, within 30 days of the date of the emergency notice, denial, approval, or modification of the project.

(6) The supervisors shall review the emergency project and affirm, overrule, or modify the individual team recommendations and notify the applicant and

team members of their decision within 60 days of receipt of the emergency notice.

(7) A person who has undertaken an emergency action that is denied or modified shall submit written notice, as provided in 75-7-111, to obtain approval pursuant to 75-7-112 to mitigate the damages to the stream caused by the emergency action and to achieve a long-term solution, if feasible, to the emergency situation. Notice under this subsection must be filed within 90 days after the supervisors' decision.

(8) (a) When a member of the team, *other than an applicant that has not agreed to arbitration*, disagrees with the supervisors' decision of an emergency action, the team member shall request that an arbitration panel, as provided for in 75-7-114, be appointed to hear the dispute and to make a final written decision on the dispute.

(b) *When an applicant that has not agreed to arbitration under 75-7-111 disagrees with the supervisors' decision, the applicant shall, within 15 working days of receipt of the supervisors' decision:*

(i) *agree to arbitration under this section and request that an arbitration panel, as provided for in 75-7-114, be appointed to hear the dispute and make a final written decision regarding the dispute; or*

(ii) *appeal the decision of the supervisors to the district court for the county where the project is located.*

(9) The failure of a person to perform the following subjects the person to civil and criminal penalties under 75-7-123:

(a) failure to provide emergency notice under subsection (1);

(b) failure to submit a notice of the project under subsection (7); or

(c) failure to implement the terms of a supervisors' decision for the purpose of mitigating the damage to the stream caused by the emergency action and of achieving a permanent solution, if feasible, to the emergency situation."

Section 4. Section 75-7-116, MCA, is amended to read:

"75-7-116. Modification of plan — assignment of costs. (1) If the final decision of the arbitration panel *or district court* requires modifications or alterations from the original project plan as approved by the supervisors, then the arbitration panel *or district court* shall include in its decision any part or percent of these modifications or alterations that is for the direct benefit of the public and it shall assign any costs to the proper participant.

(2) Any of the involved entities may withdraw or modify required modification of the project within 10 days after the decision."

Section 5. Section 75-7-117, MCA, is amended to read:

"75-7-117. Rules — minimum standards — arbitration agreement. (1) The department of natural resources and conservation, after consultation with the association of conservation districts, shall adopt and may revise rules setting minimum standards and guidelines for the purposes of this part.

(2) The supervisors of each district shall adopt and may revise by resolution after a public hearing rules setting standards and guidelines for projects and exclusions within their districts that meet, exceed, or are not covered by the minimum standards set by the department under subsection (1).

(3) The department of natural resources and conservation, after consultation with the association of conservation districts, shall prepare an arbitration agreement for use by the conservation districts *when an applicant chooses to use arbitration*. The arbitration agreement must contain provisions for:

- (a) the appointment of arbitrators;
- (b) the exercise of power by the arbitrators;
- (c) an arbitration hearing process, including time and place for hearing, notification, presentation of witnesses and evidence, cross-examination, subpoenas, depositions, and the issuance of the award or change of award; and
- (d) the fees and expenses of arbitration.”

Section 6. Section 75-7-121, MCA, is amended to read:

“75-7-121. Review. (1) Any review of final action by the supervisors under 75-7-112 or 75-7-113 ~~must~~ *may be by arbitration or by the district court of the county where the project is located*. Judicial review of an arbitration action is under the provisions of Title 27, chapter 5, part 3.

(2) *An applicant's choice of the judicial review remedy prevails over any other team member's request for arbitration regardless of whether arbitration was requested prior to the filing of a petition for judicial review by the applicant.”*

Approved May 5, 2003

CHAPTER NO. 582

[SB 484]

AN ACT AUTHORIZING MUNICIPALITIES, CONSOLIDATED LOCAL GOVERNMENTS, AND COUNTIES TO CREATE EMPOWERMENT ZONES TO ENCOURAGE THE CREATION OF JOBS WITHIN THE ZONES; ALLOWING A TAX CREDIT AGAINST INDIVIDUAL INCOME TAXES, CORPORATION INCOME OR LICENSE TAXES, OR INSURANCE PREMIUM TAXES FOR QUALIFYING 3-YEAR JOBS CREATED IN AN EMPOWERMENT ZONE; AND AUTHORIZING THE DEPARTMENT TO ADOPT RULES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Purpose of empowerment zone. An empowerment zone is intended to be a tool of economic development that encourages the establishment of businesses in designated areas, which can cause the emergence of industry clusters. Businesses are encouraged to locate in empowerment zones through income tax credits and insurance premium tax credits based upon the number of jobs that the employer has created in the empowerment zone.

Section 2. Definitions. As used in [sections 1 through 5], the following definitions apply:

- (1) “Department” means the department of labor and industry.
- (2) “Governing body” means the board of county commissioners of a county and the governing body of a consolidated local government or municipality.

Section 3. Empowerment zones — creation. (1) The governing body of a county, a consolidated local government, or a municipality or jointly the governing bodies of counties, consolidated local governments, and municipalities may create empowerment zones. The empowerment zone may consist of all or a part of a county, consolidated local government, or municipality. If a proposed empowerment zone consists of an area partly within and partly outside of the limits of a municipality, the zone must be established by both the county and municipal governing bodies acting jointly, meeting together but voting separately.

(2) A governing body may adopt a resolution of intention to create an empowerment zone. The resolution must identify the limits of the zone and make findings that the proposed zone meets the qualifying criteria set forth in [section 4]. The governing body shall hold a public hearing on the question of whether to establish an empowerment zone. The hearing may be set no sooner than 3 weeks or later than 90 days from the date of the adoption of the resolution. Notice of the hearing must be published twice, 1 week apart not later than one week prior to the date set for the hearing. The notice must provide the subject, date, time, and place of the hearing and must identify the proposed empowerment zone boundaries.

(3) The hearing may be adjourned from time to time to seek additional information or to hear additional proponents or opponents. After the hearing, the governing body may, by resolution, create an empowerment zone.

(4) Each governing body may create a maximum of one empowerment zone, either wholly or partially within its limits, in any 7-year period.

Section 4. Criteria for empowerment zone. An empowerment zone may be established if it meets the following requirements:

(1) the average unemployment or the poverty rate in the area or an area within a reasonable proximity of the area in the preceding 2 years, as determined by the department, was at least 150% of the average annual statewide unemployment or poverty rate for the same period;

(2) the geographical area must be contiguous, must be within one county, and unless it consists totally of undeveloped land, may not consist of less than one-fourth square mile; and

(3) the boundaries must be based on historic community or neighborhood identity and the empowerment zone must include an area in which there is an annual average population of at least 1,000 residents. Boundaries may also be based on boundaries of United States census geographical units, political subdivisions, Indian reservations, and school districts.

(4) The governing body has the burden of establishing that the proposed empowerment zone meets the requirements of this section.

Section 5. Tax credits for employers in empowerment zone. (1) There is allowed to an employer a credit against taxes imposed under 15-30-103, 15-31-121, 15-31-122, or 33-2-705 for an increase in net employees as provided in this section.

(2) To be eligible for a credit under this section, the owner of a business located in an empowerment zone:

(a) shall conduct a business in a facility within the empowerment zone in which retail sales of tangible personal property, other than that manufactured in the business facility, is not in excess of 10% of the business conducted in the

facility, whether measured by number of employees doing retail sales, by square footage, or by dollar volume; and

(b) shall increase employment in the empowerment zone with employees:

(i) who are employed for at least 1,750 hours a year in permanent employment intended to last at least 3 years;

(ii) who were not employed by the business in the preceding 12 months;

(iii) at least 35% of whom were residents of the county in which the empowerment zone is located at the time they were hired by the business;

(iv) who are provided a health benefit plan for employees in accordance with 33-22-1811(3)(d) of which at least 50% of the premium is paid by the business; and

(v) who are paid for job duties performed at the empowerment zone location of the business.

(3) (a) For the purposes of subsection (2)(b)(i), an employee hired in the last 90 days of a year is considered to be an employee beginning employment in the following year. If an employee terminates employment, a replacement employee may be hired and the credit for the combined length of time may be claimed.

(b) For the purposes of subsection (2)(b)(iii), if an employee for whom a credit was claimed and who counted as an empowerment zone county resident for credit eligibility in either of the immediate 2 preceding years terminates employment, the replacement employee must have been a resident of the county in which the empowerment zone is located at the time the replacement employee is hired.

(4) An employer shall apply for certification to claim a credit under the provisions of this section. The department shall require a report that contains detailed information to determine whether an employer qualifies under subsections (2) and (3). The information must be detailed enough for auditing purposes. The department is authorized to inspect employers applying for certification or who have obtained certification.

(5) The department shall certify to the department of revenue or the state auditor's office, as applicable, whether a business may claim a credit under the provisions of this section as well as how many additional employees qualify and the year of initial employment of qualifying employees.

Section 6. Empowerment zone new employees — tax credit. (1) There is a credit for taxes due under 15-30-103 for an employer for each new employee at a business in an empowerment zone created pursuant to [sections 1 through 5]. The taxpayer must be certified by the department of labor and industry to be eligible to receive the credit as provided in [section 5].

(2) The amount of the credit for each qualifying employee is:

1st year of employment	\$500
2nd year of employment	\$1,000
3rd year of employment	\$1,500

(3) If the amount of the credit exceeds the taxpayer's liability, the credit may be carried forward 7 years and carried back 3 years. The entire amount of the tax credit not used in the year earned must be carried first to the earliest tax year in which the credit may be applied and then to each succeeding tax year.

Section 7. Empowerment zone new employees — tax credit. (1) There is a credit for taxes due under 15-31-121 or 15-31-122 for an employer for each new employee at a business in an empowerment zone created pursuant to [sections 1 through 5]. The taxpayer must be certified by the department of labor and industry to be eligible to receive the credit as provided in [section 5].

(2) The amount of the credit for each qualifying employee is:

1st year of employment	\$500
2nd year of employment	\$1,000
3rd year of employment	\$1,500

(3) If the amount of the credit exceeds the taxpayer's liability, the credit may be carried forward 7 years and carried back 3 years. The entire amount of the tax credit not used in the year earned must be carried first to the earliest tax year in which the credit may be applied and then to each succeeding tax year.

(4) If the credit allowed under this section is claimed by a small business corporation, as defined in 15-30-1101, a pass-through entity, or a partnership, the credit must be attributed to shareholders, owners, or partners using the same proportion as used to report the entity's income or loss.

Section 8. Empowerment zone new employees — tax credit. (1) There is a credit for taxes due under 33-2-705 for an employer for each new employee at a business in an empowerment zone created pursuant to [sections 1 through 5]. The taxpayer must be certified by the department of labor and industry to be eligible to receive the credit as provided in [section 5].

(2) The amount of the credit for each qualifying employee is:

1st year of employment	\$500
2nd year of employment	\$1,000
3rd year of employment	\$1,500

(3) If the amount of the credit exceeds the taxpayer's liability, the credit may be carried forward 7 years and carried back 3 years. The entire amount of the tax credit not used in the year earned must be carried first to the earliest tax year in which the credit may be applied and then to each succeeding tax year.

Section 9. Rulemaking authority. The department may adopt rules to implement [sections 1 through 5].

Section 10. Codification instruction. (1) [Sections 1 through 5 and 9] are intended to be codified as an integral part of Title 7, chapter 21, and the provisions of Title 7, chapter 21, apply to [sections 1 through 5 and 9].

(2) [Section 6] is intended to be codified as an integral part of Title 15, chapter 30, and the provisions of Title 15, chapter 30, apply to [section 6].

(3) [Section 7] is intended to be codified as an integral part of Title 15, chapter 31, and the provisions of Title 15, chapter 31, apply to [section 7].

(4) [Section 8] is intended to be codified as an integral part of Title 33, chapter 2, and the provisions of Title 33, chapter 2, apply to [section 8].

Approved May 5, 2003

CHAPTER NO. 583

[SB 490]

AN ACT REVISING THE LAWS GOVERNING STATE ASSUMPTION OF DISTRICT COURT COSTS; REVISING CERTAIN DISTRICT COURT EXPENSES; CLARIFYING WHEN DISTRICT COURT EXPENSES MUST BE PAID DIRECTLY BY THE STATE OR PAID BY THE COUNTIES AND REIMBURSED BY THE STATE; PROVIDING FOR RETROACTIVE COUNTY RESPONSIBILITY FOR ACCUMULATED SICK AND VACATION LEAVE FOR COUNTY EMPLOYEES WHO BECAME STATE EMPLOYEES UPON STATE ASSUMPTION OF DISTRICT COURT EXPENSES; CREATING A SPECIAL REVENUE ACCOUNT TO BE USED BY THE SUPREME COURT FOR PAYMENT OF ACCUMULATED VACATION AND SICK LEAVE FOR COUNTY EMPLOYEES WHO BECAME STATE EMPLOYEES ON JULY 1, 2002; AMENDING SECTIONS 3-1-130, 3-5-604, 3-5-901, 3-5-902, 41-5-111, 46-8-202, 53-21-116, AND 53-21-132, MCA, AND SECTION 57, CHAPTER 585, LAWS OF 2001; AND PROVIDING AN EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 3-1-130, MCA, is amended to read:

“3-1-130. Supreme court — adoption of judicial branch personnel plan. (1) The supreme court shall adopt a plan of personnel administration for employees of the judicial branch, other than justices, judges, the supreme court administrator, the librarian of the state law library, *and the clerk of the supreme court, county attorneys, deputy county attorneys, salaried public defenders, assistant public defenders, employees of the offices of public defenders, clerks of district court, and employees of the offices of the clerks of district court.* The plan must include but not be limited to classification and pay, recruitment and selection, performance appraisal, training, and promotion.

(2) The court administrator appointed under 3-1-701 shall, under the direction of the supreme court, administer the judicial branch personnel plan adopted under this section.”

Section 2. Section 3-5-604, MCA, is amended to read:

“3-5-604. Court reporters — transcript of proceedings — costs. (1) Each court reporter shall furnish, upon request, with all reasonable diligence, to a party or a party's attorney in a case in which the court reporter has attended the trial or hearing a transcript from stenographic notes of the testimony and proceedings of the trial or hearing or a part of a trial or hearing upon payment by the person requiring the transcript of \$2 a page for the original transcript, 50 cents a page for the first copy, and 25 cents a page for each additional copy.

(2) If the court reporter is not entitled to retain transcription fees under 3-5-601, the transcription fees required by subsection (1) must be paid to the clerk of district court who shall forward the amount to the department of revenue for deposit in the state general fund.

(3) (a) If the ~~county attorney, attorney general, or judge~~ requires a transcript in a criminal case, the reporter shall furnish it. The transcription fee must be paid by the state as provided in 3-5-901.

(b) *If the county attorney or the attorney general requires a transcript in a criminal case, the reporter shall furnish the transcript and only the reporter's*

actual cost of preparation may be paid by the county or the office of the attorney general.

(4) If the judge requires a copy in a civil case to assist in rendering a decision, the reporter shall furnish the copy without charge. In civil cases, all transcripts required by the county must be furnished, and only the reporter's actual costs of preparation may be paid by the county.

(5) If it appears to the judge that a defendant in a criminal case or a parent or guardian in a proceeding brought pursuant to Title 41, chapter 3, part 4 or 6, is unable to pay for a transcript, it must be furnished to the party and paid for by the state as provided in 3-5-901."

Section 3. Section 3-5-901, MCA, is amended to read:

"3-5-901. State assumption of district court expenses. (1) There is a state-funded district court program. Under this program, the state shall fund all district court costs, except as provided in subsection ~~(2)~~ (4). These costs include but are not limited to:

- (a) salaries and benefits for:
 - (i) district court judges;
 - (ii) law clerks;
 - (iii) court reporters, as provided in 3-5-601;
 - (iv) juvenile probation officers, youth division offices staff, and assessment officers of the youth court; and
 - (v) other employees of the district court;
- (b) in criminal cases, fees for transcripts of proceedings, as provided in 3-5-604, ~~witness fees and necessary expenses, juror fees~~ *expenses for indigent defense that are paid under contract or at an hourly rate*, and expenses for psychiatric examinations;
- (c) the district court expenses in all postconviction proceedings held pursuant to Title 46, chapter 21, and in all habeas corpus proceedings held pursuant to Title 46, chapter 22, and appeals from those proceedings;
- (d) the following expenses incurred by the state in federal habeas corpus cases that challenge the validity of a conviction or of a sentence:
 - (i) transcript fees;
 - (ii) witness fees; and
 - (iii) expenses for psychiatric examinations;
- (e) the following expenses incurred by the state in a proceeding held pursuant to Title 41, chapter 3, part 4 or 6, that seeks temporary investigative authority of a youth, temporary legal custody of a youth, or termination of the parent-child legal relationship and permanent custody:
 - (i) transcript fees;
 - (ii) witness fees;
 - (iii) expenses for medical and psychological evaluation of a youth or the youth's parent, guardian, or other person having physical or legal custody of the youth except for expenses for services that a person is eligible to receive under a public program that provides medical or psychological evaluation;
 - (iv) expenses associated with appointment of a guardian ad litem or child advocate for the youth; and

(v) expenses associated with court-ordered alternative dispute resolution;

~~(f) costs of juror and witness fees and witness expenses before a grand jury;~~

(f) *in involuntary commitment cases pursuant to 53-21-121, reasonable compensation for services and related expenses for counsel appointed by the court;*

~~(g)~~(g) costs of the court-sanctioned educational program concerning the effects of dissolution of marriage on children, as required in 40-4-226, and expenses of education when ordered for the investigation and preparation of a report concerning parenting arrangements, as provided in 40-4-215(2)(a);

~~(h)~~(h) all district court expenses associated with civil jury trials if those expenses were paid out of the district court budget in fiscal year 1998 or fiscal year 1999; ~~and~~

~~(i)~~(i) all other costs associated with the operation and maintenance of the district court, including contract costs for court reporters who are independent contractors, ~~costs of the youth court and youth division offices, and costs of training for persons listed in subsections (1)(a)(i) through (1)(a)(v), but~~ excluding the cost of providing district court office, courtroom, and other space as provided in 3-1-125; ~~and~~

(j) *costs of the youth court and youth court division operations pursuant to 41-5-111 and subsection (1)(a) of this section, except for those costs paid by other entities identified in Title 41, chapter 5, and the costs of providing youth court office, courtroom, and other space as provided in 3-1-125.*

~~(2) For the purposes of subsection (1), district court costs do not include:~~

~~(a) one half of the salaries of county attorneys;~~

~~(b) salaries of deputy county attorneys;~~

~~(c) salaries of employees and expenses of the office of county attorney;~~

~~(d) costs for clerks of district court and employees and expenses of the office of the clerks of district court; or~~

~~(e) costs of providing district court office space.~~

~~(3)~~(2) In addition to the costs assumed under the state-funded district court program, as provided in subsection (1), the state shall fund ~~and directly pay:~~

(a) the expenses of the appellate defender program. These costs must be allocated to and paid by the appellate defender program.

~~(b) district court expenses related to involuntary commitment proceedings and youth court proceedings in an annual amount not to exceed the district court expense for those proceedings in fiscal year 2001 plus a 3% growth factor each year. Any amount that exceeds the district court expense for those proceedings is the responsibility of the county.~~

~~(4)~~ (a)(3) In addition to the costs assumed under the state-funded district court program, as provided in subsection (1), the state shall reimburse counties, *within 30 days of receipt of a claim, for the following:*

~~(i)~~(a) in district court criminal cases ~~only;~~

(i) expenses for indigent defense *that are not paid under subsection (1)(b);* ~~and~~

(ii) *juror fees and necessary expenses; and*

(iii) *witness fees and necessary expenses as provided in 46-15-116;*

~~(ii)(b)~~ in proceedings under subsection (1)(e):

~~(A)(i)~~ expenses for appointed counsel for the youth; and

~~(B)(ii)~~ expenses for appointed counsel for the parent, guardian, or other person having physical or legal custody of the youth; *and*

(c) costs of juror and witness fees and witness expenses before a grand jury.

~~(b) If money appropriated for the expenses listed in subsection (4)(a) is insufficient to fully fund those expenses, the county is responsible for payment of the balance.~~

(4) For the purposes of subsection (1), district court costs do not include:

(a) one-half of the salaries of county attorneys;

(b) salaries of deputy county attorneys;

(c) salaries of employees and expenses of the offices of county attorneys;

(d) costs for clerks of district court and employees and expenses of the offices of the clerks of district court;

(e) costs of providing and maintaining district court office space; or

(f) charges incurred against a county by virtue of any provision of Title 7 or 46. (Subsections (3)(b) and (4)(b) terminate June 30, 2003—see: 65, Ch. 585, L. 2001.)

Section 4. Section 3-5-902, MCA, is amended to read:

“3-5-902. Fiscal administration for payment of court expenses. The supreme court administrator shall establish procedures for ~~disbursement of funds for~~ the direct payment of district court expenses listed in 3-5-901 *and for the reimbursement of district court expenses to counties as provided in 3-5-901 and shall record payments at a detailed level for budgeting and auditing purposes. The supreme court administrator shall reimburse counties for district court expenses in a timely manner.*”

Section 5. Section 41-5-111, MCA, is amended to read:

“41-5-111. Court costs and expenses. The following expenses ~~shall~~ *must* be a charge upon the funds of the court or other appropriate agency when applicable, upon their certification by the court:

~~(1) the costs of medical and other examinations and treatment of a youth ordered by the court;~~

~~(2)~~(1) reasonable compensation for services and related expenses for counsel appointed by the court for a party;

~~(3)~~(2) the expenses of service of summons, notices, subpoenas, traveling expenses of witnesses, and other like expenses incurred in any proceeding under the Montana Youth Court Act as provided for by law;

~~(4)~~(3) reasonable compensation of a guardian ad litem appointed by the court; and

~~(5)~~(4) cost of transcripts and printing briefs on appeal.”

Section 6. Section 46-8-202, MCA, is amended to read:

“46-8-202. Public defender’s office. Any county through its board of county commissioners may provide for the creation of a public defender’s office and the appointment of a salaried public defender and any assistant public defenders that may be necessary to satisfy the legal requirements in providing

counsel for defendants unable to employ counsel. The costs of the office must be paid by the state according to procedures established under 3-5-901(4) and, to the extent that those costs are not paid by the state, must be paid by the county in accordance with 3-5-901(4)."

Section 7. Section 53-21-116, MCA, is amended to read:

"53-21-116. Right to be present at hearing or trial — appointment of counsel. The person alleged to be suffering from a mental disorder and requiring commitment has the right to be present at any hearing or trial. If the person ~~has no attorney~~ *is indigent*, the judge shall appoint ~~one counsel~~ to represent the person at either the hearing or the trial, or both, ~~who and the counsel must be compensated from the public funds of the county where the respondent resides pursuant to 3-5-901(1)(f).~~"

Section 8. Section 53-21-132, MCA, is amended to read:

"53-21-132. Cost of examination and commitment. (1) The cost of precommitment examination, detention, treatment, and taking a person who is suffering from a mental disorder and who requires commitment to a mental health facility must be paid by the county in which the person resides at the time that the person is committed. The sheriff must be allowed the actual expenses incurred in taking a committed person to the facility, as provided by 7-32-2144.

(2) The county of residence shall also pay all precommitment expenses, including transportation to a mental health facility, incurred in connection with the detention, examination, and precommitment custody of the respondent *and any cost associated with testimony during an involuntary commitment proceeding by a professional person acting pursuant to 53-21-123.* However, the county of residence is not required to pay costs of treatment and custody of the respondent after the respondent is committed pursuant to this part. Precommitment costs related to the use of two-way electronic audio-video communication in the county of commitment must be paid by the county in which the person resides at the time that the person is committed. The costs of the use of two-way electronic audio-video communication from the state hospital for a patient who is under a voluntary or involuntary commitment to the state hospital must be paid by the state. The fact that a person is examined, hospitalized, or receives medical, psychological, or other mental health treatment pursuant to this part does not relieve a third party from a contractual obligation to pay for the cost of the examination, hospitalization, or treatment.

(3) The adult respondent or the parent or guardian of a minor shall pay the cost of treatment and custody ordered pursuant to 53-21-127, except to the extent that the adult or minor is eligible for public mental health program funds.

(4) A community service provider that is a private, nonpublic provider may not be required to treat or treat without compensation a person who has been committed."

Section 9. Judiciary branch account created. (1) There is an account in the state special revenue fund to be used by the supreme court for payment of accumulated vacation and sick leave for county employees who became state employees on July 1, 2002.

(2) The money paid to the state by the counties for the counties' share of accumulated sick leave and accumulated vacation leave accruals under subsection (4) of section 57, Chapter 585, Laws of 2001, must be deposited in the account established in subsection (1).

(3) Interest and earnings on the account must be deposited in the account.

Section 10. Section 57, Chapter 585, Laws of 2001, is amended to read:

“Section 57. Transition — transfer of county employees to state employment — preservation of rights. (1) District court employees who are employed by the county on June 30, 2002, and who are transferred to state employment by [this act] become state employees on July 1, 2002, except for purposes of application of the judiciary branch personnel plan, as provided in [section 63].

(2) The compensation of former county employees who become state employees under [this act] may not be impaired. This subsection does not preserve the right of any former county employee to any salary or compensation, including longevity benefits, that was payable while the employee was employed by the county and that was not accrued and payable as of June 30, 2002.

(3) An employee who is transferred from county employment to state employment under [this act] may elect to become a member of the state employee benefit plan on July 1, 2002, or remain on the employee's county benefit plan through the remainder of the plan year in effect on June 30, 2002. For an employee who elects to remain on a county benefit plan, the monthly state contribution toward insurance benefits must be transferred to the county benefit plan. Any benefit costs in excess of the state contribution must be paid by the employee.

(4) Accumulated sick and vacation leave and years of service with a county must be transferred ~~fully to the state as of July 1, 2002, and become an obligation of the state at that time.~~ *On January 1, 2004, and on January 1, 2005, the counties shall pay the state 12.5% of the sick leave accrual and 25% of vacation leave accrual for each employee who transferred to state employment on July 1, 2002, at the rate of pay as of June 30, 2002.* Any liability for accumulated compensatory time of employees who are transferred from county employment to state employment under [this act] is not transferred to the state and remains an obligation of the county that employed the employee prior to the transfer, subject to federal law and the county's personnel policies. *Upon termination from employment, sick leave must be paid out at one-fourth of its value as provided in 2-18-618(6).*

(5) The state becomes a successor employer with regard to any collective bargaining agreement existing on July 1, 2002, that prior to July 1, 2002, covered any employee transferred from county employment to state employment by [this act]. The responsibilities and obligations of the parties to an agreement to which the state becomes a successor employer must, as applied to a transferred employee, continue until the expiration date of the agreement.

(6) In the development of a plan of personnel administration for employees of the judicial branch, the supreme court may recognize an appropriate bargaining unit.”

Section 11. Coordination instruction. (1) If Senate Bill No. 218 and [this act] are both passed and approved, then:

(a) [section 6 of this act], amending 46-8-202, is void;

(b) [section 3] of Senate Bill No. 218, amending 3-5-901, is void and [section 3 of this act], amending 3-5-901, must read:

“3-5-901. State assumption of district court expenses. (1) There is a state-funded district court program. Under this program, the state shall fund all

district court costs, except as provided in subsection ~~(2)~~ (3). These costs include but are not limited to:

- (a) salaries and benefits for:
 - (i) district court judges;
 - (ii) law clerks;
 - (iii) court reporters, as provided in 3-5-601;
 - (iv) juvenile probation officers, youth division offices staff, and assessment officers of the youth court; and
 - (v) other employees of the district court;
- (b) in criminal cases, fees for transcripts of proceedings, as provided in 3-5-604, ~~witness fees and necessary expenses, juror fees,~~ and expenses for psychiatric examinations;
- (c) the district court expenses in all postconviction proceedings held pursuant to Title 46, chapter 21, and in all habeas corpus proceedings held pursuant to Title 46, chapter 22, and appeals from those proceedings;
- (d) the following expenses incurred by the state in federal habeas corpus cases that challenge the validity of a conviction or of a sentence:
 - (i) transcript fees;
 - (ii) witness fees; and
 - (iii) expenses for psychiatric examinations;
- (e) the following expenses incurred by the state in a proceeding held pursuant to Title 41, chapter 3, part 4 or 6, that seeks temporary investigative authority of a youth, temporary legal custody of a youth, or termination of the parent-child legal relationship and permanent custody:
 - (i) transcript fees;
 - (ii) witness fees;
 - (iii) expenses for medical and psychological evaluation of a youth or the youth's parent, guardian, or other person having physical or legal custody of the youth except for expenses for services that a person is eligible to receive under a public program that provides medical or psychological evaluation;
 - (iv) expenses associated with appointment of a guardian ad litem or child advocate for the youth; and
 - (v) expenses associated with court-ordered alternative dispute resolution;
- ~~(f) costs of juror and witness fees and witness expenses before a grand jury;~~
- ~~(g)(f)~~ costs of the court-sanctioned educational program concerning the effects of dissolution of marriage on children, as required in 40-4-226, and expenses of education when ordered for the investigation and preparation of a report concerning parenting arrangements, as provided in 40-4-215(2)(a);
- ~~(h)(g)~~ all district court expenses associated with civil jury trials if those expenses were paid out of the district court budget in fiscal year 1998 or fiscal year 1999; ~~and~~
- ~~(i)(h)~~ all other costs associated with the operation and maintenance of the district court, including contract costs for court reporters who are independent contractors, costs of the youth court and youth division offices, and costs of training for persons listed in subsections (1)(a)(i) through (1)(a)(v), but

excluding the cost of providing district court office, courtroom, and other space as provided in 3-1-125; and

(i) *district court expenses related to involuntary commitment proceedings and youth court proceedings, excluding expenses of providing legal services.*

~~(2) For the purposes of subsection (1), district court costs do not include:~~

~~(a) one-half of the salaries of county attorneys;~~

~~(b) salaries of deputy county attorneys;~~

~~(c) salaries of employees and expenses of the office of county attorney;~~

~~(d) costs for clerks of district court and employees and expenses of the office of the clerks of district court; or~~

~~(e) costs of providing district court office space.~~

~~(3) In addition to the costs assumed under the state-funded district court program, as provided in subsection (1), the state shall fund:~~

~~(a) the expenses of the appellate defender program. These costs must be allocated to and paid by the appellate defender program.~~

~~(b) district court expenses related to involuntary commitment proceedings and youth court proceedings in an annual amount not to exceed the district court expense for those proceedings in fiscal year 2001 plus a 3% growth factor each year. Any amount that exceeds the district court expense for those proceedings is the responsibility of the county.~~

~~(4) (a)(2) In addition to the costs assumed under the state-funded district court program, as provided in subsection (1), the state shall reimburse counties, within 30 days of receipt of a claim, for the following:~~

~~(i)(a) in district court criminal cases only;~~

~~(i) expenses for indigent defense that are not paid under [section 4 of Senate Bill No. 218] or subsection (1)(b) of this section; and~~

~~(ii) juror fees and necessary expenses; and~~

~~(iii) witness fees and necessary expenses as provided in 46-15-116;~~

~~(ii)(b) in proceedings under subsection (1)(e):~~

~~(A)(i) expenses for appointed assigned counsel for the youth; and~~

~~(B)(ii) expenses for appointed assigned counsel for the parent, guardian, or other person having physical or legal custody of the youth; and~~

~~(c) costs of juror and witness fees and witness expenses before a grand jury.~~

~~(b) If money appropriated for the expenses listed in subsection (4)(a) is insufficient to fully fund those expenses, the county is responsible for payment of the balance.~~

~~(3) For the purposes of subsection (1), district court costs do not include:~~

~~(a) one-half of the salaries of county attorneys;~~

~~(b) salaries of deputy county attorneys;~~

~~(c) salaries of employees and expenses of the offices of county attorneys;~~

~~(d) costs for clerks of district court and employees and expenses of the offices of the clerks of district court;~~

~~(e) costs of providing and maintaining district court office space; or~~

(f) charges incurred against a county by virtue of any provision of Title 7 or 46. (Subsections (3)(b) and (4)(b) terminate June 30, 2003—sec. 65, Ch. 585, L. 2001.)

(c) [section 4] of Senate Bill No. 218 must read:

“Section 4. Indigent defense — state expense. (1) In addition to the district court costs assumed by the state under the state-funded district court program, as provided in 3-5-901, the state shall fund the expenses of the statewide criminal trial and appellate public defender system. These expenses must include the costs of providing legal services in proceedings in district court on behalf of:

(a) indigent defendants, when counsel is assigned under 46-8-101, including trial defense and appellate defense;

(b) a youth, when counsel is assigned to represent a youth in a proceeding held pursuant to Title 41, chapter 3, part 4 or 6;

(c) a youth, when counsel is assigned to represent a youth in a proceeding held pursuant to Title 41, chapter 5; and

(d) a person who is the subject of a petition for commitment under 53-21-121, when counsel is assigned to represent the person.

(2) These expenses are separate from district court expenses assumed under 3-5-901 and must be allocated to and paid by the department of administration.”

(2) If Senate Bill No. 19 and [this act] are both passed and approved, then [section 4] of Senate Bill No. 19, amending 3-5-902, is void.

Section 12. Effective date. [This act] is effective July 1, 2003.

Section 13. Retroactive applicability. [Section 10] applies retroactively, within the meaning of 1-2-109, to July 1, 2002.

Approved May 5, 2003

CHAPTER NO. 584

[HB 536]

AN ACT PROVIDING FOR THE DISCLOSURE OF THE POTENTIAL FOR MOLD IN INHABITABLE PROPERTY WITH AGREEMENTS FOR THE SALE AND PURCHASE OF INHABITABLE PROPERTY; PROVIDING FOR THE DISCLOSURE OF PRIOR TESTING AND MITIGATION AND PROVIDING IMMUNITY FOR SELLERS, LANDLORDS, SELLER'S AGENTS, BUYER'S AGENTS, AND PROPERTY MANAGERS WHO COMPLY WITH THE DISCLOSURE REQUIREMENTS; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Short title. [Sections 1 through 3] may be cited as the “Montana Mold Disclosure Act”.

Section 2. Definitions. As used in [sections 1 through 3], the following definitions apply:

(1) “Inhabitable real property” means any real property that includes a building affixed to land. The building must be designed to be primarily occupied by humans, either as a dwelling or as a place of business.

(2) "Mold" means any mold, fungus, mildew, or spores.

(3) "Person" means an individual, partnership, corporation, sole proprietorship, firm, enterprise, franchise, association, consultant, state or municipal agency, political subdivision of the state, or any other entity.

Section 3. Mold disclosure statement on real estate documents — disclosure of prior testing — immunity from liability. (1) A mold disclosure statement may be provided on at least one document, form, or application executed prior to or contemporaneously with an offer for the purchase and sale, rental, or lease of inhabitable real property. The seller, landlord, seller's agent, buyer's agent, or property manager may provide the following disclosure statement to the buyer or tenant, and the buyer or tenant shall acknowledge receipt of this disclosure statement by signing a copy of the disclosure statement:

MOLD DISCLOSURE: There are many types of mold. Inhabitable properties are not, and cannot be, constructed to exclude mold. Moisture is one of the most significant factors contributing to mold growth. Information about controlling mold growth may be available from your county extension agent or health department. Certain strains of mold may cause damage to property and may adversely affect the health of susceptible persons, including allergic reactions that may include skin, eye, nose, and throat irritation. Certain strains of mold may cause infections, particularly in individuals with suppressed immune systems. Some experts contend that certain strains of mold may cause serious and even life-threatening diseases. However, experts do not agree about the nature and extent of the health problems caused by mold or about the level of mold exposure that may cause health problems. The Centers for Disease Control and Prevention is studying the link between mold and serious health conditions. The seller, landlord, seller's agent, buyer's agent, or property manager cannot and does not represent or warrant the absence of mold. It is the buyer's or tenant's obligation to determine whether a mold problem is present. To do so, the buyer or tenant should hire a qualified inspector and make any contract to purchase, rent, or lease contingent upon the results of that inspection. A seller, landlord, seller's agent, buyer's agent, or property manager who provides this mold disclosure statement, provides for the disclosure of any prior testing and any subsequent mitigation or treatment for mold, and discloses any knowledge of mold is not liable in any action based on the presence of or propensity for mold in a building that is subject to any contract to purchase, rent, or lease.

(2) Whenever a seller or landlord or an agent of either has knowledge that a building has mold present, the seller, landlord, or agent of either shall, prior to or upon entry into a contract for the purchase, rent, or lease, disclose to the buyer or renter the presence of the mold. Whenever a seller or landlord knows that a building has been tested for mold, the seller or landlord, prior to or upon entry into a contract for the purchase, rent, or lease of that building, shall advise the buyer or tenant that testing has occurred and shall provide to the buyer or tenant a copy of the results of that test, if available to the seller or landlord, and evidence of any subsequent mitigation or treatment. A prospective buyer or tenant who contracts for the testing may receive the results of that testing and shall provide a copy of the results of that test, if available, to the seller or landlord. The furnishing of test results and evidence of mitigation or treatment is not to be construed as a promise, warranty, or representation of any sort by the seller, landlord, seller's agent, buyer's agent, or property manager that the test results are accurate or that the mitigation or treatment is effective. This section does not create a contingency on the purchase of the property or any

right to rescind a contract for purchase unless the contingency or right to rescind is an express term of the applicable contract.

(3) A seller, landlord, seller's agent, buyer's agent, or property manager who provides the disclosure in subsection (1) and complies with subsection (2) is not liable in any action based on the presence of or propensity for mold in the building.

Section 4. Effective date. [This act] is effective on passage and approval.

Approved May 5, 2003

CHAPTER NO. 585

[HB 489]

AN ACT PROVIDING FOR THE CONTINUED PAYMENT OF DISTRICT COURT EXPENSES ASSOCIATED WITH CIVIL JURY TRIALS AFTER STATE ASSUMPTION OF DISTRICT COURTS COSTS; AMENDING SECTION 3-5-901, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 3-5-901, MCA, is amended to read:

"3-5-901. State assumption of district court expenses. (1) There is a state-funded district court program. Under this program, the state shall fund all district court costs, except as provided in subsection (2). These costs include but are not limited to:

- (a) salaries and benefits for:
 - (i) district court judges;
 - (ii) law clerks;
 - (iii) court reporters, as provided in 3-5-601;
 - (iv) juvenile probation officers, youth division offices staff, and assessment officers of the youth court; and
 - (v) other employees of the district court;
- (b) in criminal cases, fees for transcripts of proceedings, as provided in 3-5-604, witness fees and necessary expenses, juror fees, and expenses for psychiatric examinations;
- (c) the district court expenses in all postconviction proceedings held pursuant to Title 46, chapter 21, and in all habeas corpus proceedings held pursuant to Title 46, chapter 22, and appeals from those proceedings;
- (d) the following expenses incurred by the state in federal habeas corpus cases that challenge the validity of a conviction or of a sentence:
 - (i) transcript fees;
 - (ii) witness fees; and
 - (iii) expenses for psychiatric examinations;
- (e) the following expenses incurred by the state in a proceeding held pursuant to Title 41, chapter 3, part 4 or 6, that seeks temporary investigative authority of a youth, temporary legal custody of a youth, or termination of the parent-child legal relationship and permanent custody:

- (i) transcript fees;
 - (ii) witness fees;
 - (iii) expenses for medical and psychological evaluation of a youth or the youth's parent, guardian, or other person having physical or legal custody of the youth except for expenses for services that a person is eligible to receive under a public program that provides medical or psychological evaluation;
 - (iv) expenses associated with appointment of a guardian ad litem or child advocate for the youth; and
 - (v) expenses associated with court-ordered alternative dispute resolution;
 - (f) costs of juror and witness fees and witness expenses before a grand jury;
 - (g) costs of the court-sanctioned educational program concerning the effects of dissolution of marriage on children, as required in 40-4-226, and expenses of education when ordered for the investigation and preparation of a report concerning parenting arrangements, as provided in 40-4-215(2)(a);
 - (h) all district court expenses associated with civil jury trials if ~~those similar~~ expenses were paid out of the district court ~~budget fund or the county general fund in fiscal year 1998 or fiscal year 1999~~ any previous year; and
 - (i) all other costs associated with the operation and maintenance of the district court, including contract costs for court reporters who are independent contractors, costs of the youth court and youth division offices, and costs of training for persons listed in subsections (1)(a)(i) through (1)(a)(v), but excluding the cost of providing district court office, courtroom, and other space as provided in 3-1-125.
- (2) For the purposes of subsection (1), district court costs do not include:
- (a) one-half of the salaries of county attorneys;
 - (b) salaries of deputy county attorneys;
 - (c) salaries of employees and expenses of the office of county attorney;
 - (d) costs for clerks of district court and employees and expenses of the office of the clerks of district court; or
 - (e) costs of providing district court office space.
- (3) In addition to the costs assumed under the state-funded district court program, as provided in subsection (1), the state shall fund:
- (a) the expenses of the appellate defender program. These costs must be allocated to and paid by the appellate defender program.
 - (b) district court expenses related to involuntary commitment proceedings and youth court proceedings in an annual amount not to exceed the district court expense for those proceedings in fiscal year 2001 plus a 3% growth factor each year. Any amount that exceeds the district court expense for those proceedings is the responsibility of the county.
- (4) (a) In addition to the costs assumed under the state-funded district court program, as provided in subsection (1), the state shall reimburse counties:
- (i) in district court criminal cases only, expenses for indigent defense; and
 - (ii) in proceedings under subsection (1)(e):
- (A) expenses for appointed counsel for the youth; and

(B) expenses for appointed counsel for the parent, guardian, or other person having physical or legal custody of the youth.

(b) If money appropriated for the expenses listed in subsection (4)(a) is insufficient to fully fund those expenses, the county is responsible for payment of the balance. (Subsections (3)(b) and (4)(b) terminate June 30, 2003—sec. 65, Ch. 585, L. 2001.)”

Section 2. Coordination instruction. If Senate Bill No. 134 and [this act] are both passed and approved, then [this act] is void.

Section 3. Effective date. [This act] is effective July 1, 2003.

Approved May 6, 2003

CHAPTER NO. 586

[HB 5]

AN ACT APPROPRIATING MONEY FOR CAPITAL PROJECTS FOR THE BIENNIUM ENDING JUNE 30, 2005; PROVIDING FOR OTHER MATTERS RELATING TO THE APPROPRIATIONS; PROVIDING THAT FOR THE PURPOSE OF FOSTERING PRIVATE EFFORTS TO RESTORE, MAINTAIN, AND DEVELOP THE OLD MAIN BUILDING AT THE MONTANA VETERANS' HOME, THE DEPARTMENT OF ADMINISTRATION MAY WAIVE REQUIREMENTS PERTAINING TO BIDDING AND BONDING FOR STATE BUILDING PROJECTS IN TITLE 18, MCA, TO LABOR REQUIREMENTS IN TITLE 18, MCA, AND TO CONTRACTOR REGISTRATION IN TITLE 39, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Definitions. For the purposes of [sections 1 through 12], unless otherwise stated, the following definitions apply:

(1) “Capital project” means the acquisition of land or improvements or the planning, capital construction, renovation, furnishing, or major repair projects authorized in [sections 1 through 12].

(2) “LRBP” means the long-range building program account in the capital projects fund type.

(3) “Other funding sources” means money other than LRBP money, including special revenue fund money, which accrues to an agency under the provisions of law.

Section 2. Capital projects appropriations. (1) The following money is appropriated for the indicated capital projects from the indicated sources to the department of administration, which is authorized to transfer the appropriated money among the necessary fund types for these projects:

Agency/Project	LRBP	Other Funding Sources	
DEPARTMENT OF ADMINISTRATION			
Roof Repair and Replacement, Statewide	\$956,000		
Code/Deferred Maintenance & Disability Access, Statewide	515,000		
Repair/Replace Deteriorated Campus Infrastructure, Statewide	300,000	300,000	Auxiliary Funds
Capitol Renovation Arbitration	305,000		

Hazardous Material Mitigation Fund, Statewide	220,000		
State Public Health Laboratory		1,474,000	Federal Special Revenue
Upgrades, Phase 2			
Repair Front Stairs, State Capitol		400,000	Capitol Land Grant Revenue
		130,000	Federal Special Revenue
Land Acquisition, Capitol Complex		600,000	Capitol Land Grant Revenue
DEPARTMENT OF CORRECTIONS			
Dairy Expansion, Montana State Prison		725,000	Proprietary Funds
DEPARTMENT OF FISH, WILDLIFE, AND PARKS			
Hatchery Maintenance, Statewide		575,000	State Special Revenue
		575,000	Federal Special Revenue
Montana Wildlife Rehabilitation and Nature Center Complex		100,000	State Special Revenue
		500,000	Federal Special Revenue
		2,600,000	Donations
Administrative Facilities Repair and Maintenance		800,000	State Special Revenue
DEPARTMENT OF MILITARY AFFAIRS			
Federal Spending Authority		2,000,000	Federal Special Revenue
Reroof Armories Statewide		90,212	Federal Special Revenue
MONTANA UNIVERSITIES AND COLLEGES			
Replace Primary Electrical Radial System, UM-Butte	240,500	120,000	Auxiliary Funds
Replace/Update Health Sciences HVAC, UM-Missoula	202,000		
Reconstruct Canal Bridge, MSU-Billings	150,000	150,000	Federal Special Revenue, Donations, Grants, State Funds, and Higher Education Funds
Schematic Design, UM-Helena College of Technology	175,000		
Addition to Skaggs Building, UM-Missoula		11,500,000	Federal Special Revenue, Donations, Grants, State Funds, and Higher Education Funds
Crown of the Continent Ecosystem Interpretive Center and Natural Trail, Yellow Bay		3,700,000	Federal Special Revenue, Donations, Grants, State Funds, and Higher Education Funds
Herrick Hall Renovation, MSU-Bozeman		10,000,000	Federal Special Revenue, Donations, Grants, State Funds, and Higher Education Funds
Sherrick Hall Renovation, MSU-Bozeman		5,000,000	Federal Special Revenue, Donations, Grants, State Funds, and Higher Education Funds
DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES			
Upgrade Spratt Building and Campus Electrical, MSH-Warm Springs	218,000		
Demolish Old Dormitory at Montana Veterans' Home, Columbia Falls		231,600	State Special Revenue

Renovate Historic "Old Main"
Building at Montana Veterans'
Home, Columbia Falls

2,252,000 State Special Revenue,
Federal Special Revenue,
Donations, and Grants

DEPARTMENT OF TRANSPORTATION

New Equipment Storage Facilities,
Statewide

2,725,000 State Special Revenue

(2) (a) The department of administration, for the purpose of fostering the restoration, maintenance, and further development of the old main building at the Montana veterans' home in Columbia Falls, may waive, in whole or in part, the requirements pertaining to:

- (i) bidding and bonding for state building projects in Title 18;
- (ii) labor requirements in Title 18; and
- (iii) contractor registration in Title 39.

(b) The waiver pursuant to subsection (2)(a) may be exercised in the following circumstances:

(i) to obtain the volunteer services and donated materials from members of the public, civic organizations, and other federal, state, or local governmental entities;

(ii) to obtain the compensated services of contractors that are donating significant amounts of labor, time, and materials; and

(iii) to meet the terms and conditions for receipt of major sums of money from private or public funding sources, inclusive of individual donors.

Section 3. Capital improvements. (1) The following money is appropriated to the department of fish, wildlife, and parks in the indicated amounts for the purpose of making capital improvements to statewide facilities:

Agency/Project	LRBP	Other Funding Sources
Future Fisheries		\$910,000 State Special Revenue
Fishing Access Site Maintenance, Statewide	275,000	State Special Revenue
Fishing Access Site Protection, Statewide	600,000	State Special Revenue
Community Fishing Ponds	50,000	Federal Special Revenue
Upland Game Bird Program	2,300,000	State Special Revenue
Wildlife Habitat Maintenance	800,000	State Special Revenue
Migratory Bird Stamp Program	225,000	State Special Revenue
Motorboat Recreation Site Improvements	1,250,000	State Special Revenue

The appropriation for motorboat recreation site improvements must include the following road improvement projects: \$100,000 for miscellaneous chip seal projects at Thompson Falls, Logan, West Shore, and Lake Mary Ronan recreational sites; \$60,000 for Cooney Reservoir state park; and \$200,000 for Hell Creek state park.

Cultural and Historic Park Improvements	800,000	State Special Revenue
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The appropriation for cultural and historic park improvements must include the following road improvement projects: \$60,000 for Giant Springs state park; \$100,000 for Travelers' Rest state park; \$80,000 for Clark's Lookout state park; and \$200,000 for Ulm Pishkun state park.

Land and Water Conservation Fund Grants	2,900,000	Federal Special Revenue
Federal Trails Grants	1,900,000	Federal Special Revenue

Off-Highway Vehicle Trails Grants	375,000	State Special Revenue
Federal Wallop/Breaux Projects	1,500,000	Federal Special Revenue

(2) The following money is appropriated to the university of Montana in the indicated amount for the purpose of making capital improvements to campus facilities:

Agency/Project	LRBP	Other Funding Sources
General Spending Authority, All Campuses	\$3,500,000	Federal Special Revenue, Donations, Grants, State Funds, and Higher Education Funds

(3) The following money is appropriated to Montana state university in the indicated amount for the purpose of making capital improvements to campus facilities:

Agency/Project	LRBP	Other Funding Sources
General Spending Authority, All Campuses	\$2,500,000	Federal Special Revenue, Donations, Grants, State Funds, and Higher Education Funds

(4) The following money is appropriated to the department of transportation in the indicated amount for the purpose of making capital improvements to statewide facilities:

Agency/Project	LRBP	Other Funding Sources
Facility Maintenance, Repair, and Small Projects, Statewide	\$1,620,860	State Special Revenue

Section 4. Land acquisition appropriations. The following money is appropriated to the department of fish, wildlife, and parks in the indicated amounts for purposes of land acquisition, land leasing, easement purchase, or development agreement:

Agency/Project	LRBP	Other Funding Sources
Fishing Access Site Acquisition, Statewide	\$550,000	State Special Revenue
	200,000	Federal Special Revenue
Habitat Montana	6,900,000	State Special Revenue
Big Horn Sheep Enhancements	75,000	State Special Revenue
Brush Lake Acquisition	180,000	State Special Revenue

Section 5. Dams. (1) The following money is appropriated to the department of fish, wildlife, and parks in the indicated amount for department dams:

Agency/Project	LRBP	Other Funding Sources
FWP Dams Repair	500,000	State Special Revenue

(2) In accordance with 85-1-101, the department of natural resources and conservation shall coordinate and manage the projects.

Section 6. Transfer of funds. The department of fish, wildlife, and parks and the department of transportation are authorized to transfer money appropriated in [sections 3 through 5] among fund types.

Section 7. Capital land grant revenue. (1) The appropriation of \$530,000 to the department of administration to repair the front stairs of the state capitol building consists of \$400,000 of state capitol land grant revenue and \$130,000 of federal community transportation enhancement program special revenue (CTEP). If CTEP revenue falls below this amount, the shortfall

must be funded with capitol land grant revenue, if available, and the federal authority will be reduced by a like amount. The department is authorized to transfer money appropriated for this purpose between the two fund types.

(2) The appropriation of \$600,000 in capitol land grant revenue to the department of administration for capitol complex land acquisition is the last priority for use of these funds during the 2005 biennium and is dependent upon the availability of revenue. If necessary, both of these projects may be phased in as capitol land grant revenue becomes available.

Section 8. Planning and design. The department of administration may proceed with the planning and design of capital projects prior to the receipt of other funding sources. The department may use interaccount loans in accordance with 17-2-107 to pay planning and design costs incurred before the receipt of other funding sources.

Section 9. Capital projects — contingent funds. If a capital project is financed, in whole or in part, with appropriations contingent upon the receipt of other funding sources, the department of administration may not let the projects for bid until the agency has submitted a financial plan for approval by the director of the department of administration. A financial plan may not be approved by the director if:

(1) the level of funding provided under the financial plan deviates substantially from the funding level provided in [sections 2 through 5] for that project; or

(2) the scope of the project is substantially altered or revised from the preliminary plans presented for that project in the 2005 biennium long-range building program presented to the 58th legislature.

Section 10. Review by department of environmental quality. The department of environmental quality shall review capital projects authorized in [sections 2 through 5] for potential inclusion in the state building energy conservation program under Title 90, chapter 4, part 6. When a review shows that a capital project will result in energy improvements, that project must be submitted to the energy conservation program for funding consideration. Funding provided under the energy conservation program guidelines must be used to offset or add to the authorized funding for the project, and the amount will be dependent on the annual utility savings resulting from the facility improvement. Agencies must be notified of potential funding after the review.

Section 11. Sale of old Dillon armory. The 57th legislature appropriated \$3,800,000 of federal special revenue and \$1,940,000 of bonds for construction of a new Dillon armory. All proceeds derived from the sale of the national guard armory located in Dillon must be used to pay the general obligation debt service on the bonds issued for construction of the new Dillon armory. The proceeds of the sale must be deposited in the general fund for this purpose. In the event that the facility is sold prior to issuance of the bonds, the board of examiners may use all or a portion of the amount deposited in the general fund to reduce the amount of the bond issue required to finance the construction.

Section 12. Legislative consent. The appropriations authorized in [sections 1 through 11] constitute legislative consent for the capital projects contained in [sections 1 through 11] within the meaning of 18-2-102.

Section 13. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is

invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 14. Effective date. [This act] is effective on passage and approval.

Approved May 9, 2003

CHAPTER NO. 587

[HB 11]

AN ACT APPROPRIATING MONEY TO THE DEPARTMENT OF COMMERCE FOR FINANCIAL ASSISTANCE TO LOCAL GOVERNMENT INFRASTRUCTURE PROJECTS THROUGH THE TREASURE STATE ENDOWMENT PROGRAM AND APPROPRIATING MONEY TO THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION FOR FINANCIAL ASSISTANCE TO REGIONAL WATER AUTHORITIES FOR REGIONAL WATER PROJECTS; AUTHORIZING GRANTS FROM THE TREASURE STATE ENDOWMENT SPECIAL REVENUE ACCOUNT; APPROPRIATING FUNDS FROM THE TREASURE STATE ENDOWMENT REGIONAL WATER SYSTEM SPECIAL REVENUE ACCOUNT; PLACING CONDITIONS UPON GRANTS AND FUNDS; APPROPRIATING MONEY TO THE DEPARTMENT OF COMMERCE FOR EMERGENCY GRANTS; TERMINATING CERTAIN TREASURE STATE ENDOWMENT GRANTS; AMENDING SECTION 1, CHAPTER 213, LAWS OF 1995; REPEALING SECTION 9, CHAPTER 435, LAWS OF 2001; AND PROVIDING EFFECTIVE DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Appropriations from treasure state endowment special revenue account. (1) There is appropriated to the department of commerce the interest earnings of the treasure state endowment special revenue account to finance grants authorized by this section.

(2) The funds appropriated in this section must be used by the department to make grants to the governmental entities listed in subsection (3) for the described purposes and in amounts not to exceed the amounts set out in subsection (3). The appropriations are subject to the conditions set forth in [sections 1 through 3] and described in the treasure state endowment program 2005 biennium report to the 58th legislature. The legislature, pursuant to 90-6-710, authorizes the grants for the projects listed in subsection (3). The department shall commit funds to projects listed in subsection (3), up to the amounts authorized, based on the manner of disbursement set forth in [section 3] until interest earnings deposited into the treasure state endowment special revenue account during the 2005 biennium are expended.

(3) The following applicants and projects are authorized for grants in the order of their priority:

Applicant/Project Grant Amount	
1. Lewis and Clark County (bridge)	\$170,575
2. Judith Basin County/Geyser District (water)	330,000
3. Madison County (bridge)	174,529
4. Chinook, City of (wastewater)	500,000

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5. Sweet Grass County (bridge)		235,954
6. Stillwater County (bridge)		500,000
7. Power-Teton County District (water)		500,000
8. Richland County (bridge)		351,625
9. Stanford, Town of (water)		500,000
10. Hamilton, City of (water)		500,000
11. Troy, City of (water)		500,000
12. Scobey, City of (wastewater)		500,000
13. Missoula, City of (wastewater)		500,000
14. Blaine County (bridge)		322,782
15. Upper-Lower River Road District (water and wastewater)		500,000
16. Polson, City of (water)		500,000
17. Conrad, City of (water)		500,000
18. Glendive, City of (storm water)		139,133
19. Sheaver's Creek District (water)		500,000
20. Gallatin County (bridge)		500,000
21. Gardiner/Park County District (water)		500,000
22. Phillips County Green Meadow District (water)		112,500
23. Geraldine, Town of (water)		500,000
24. Missoula County (wastewater)		499,335
25. Ramsay County District (water)		255,000
26. Cooke City-Park County District (water)		500,000
27. Worden-Ballantine District (water)		500,000
28. Wolf Point, City of (wastewater)		500,000
29. Ryegate, Town of (water)		478,700
30. Cascade County (bridge)		230,840
31. Libby, City of (water & wastewater)		500,000
32. Beaverhead County District-Wisdom (wastewater)		500,000
33. Hill County (bridge)		175,803
34. Jordan, Town of (water)		459,883
35. Pablo-Lake County District (wastewater)		500,000
36. Ekalaka, Town of (wastewater)		154,197
37. Pondera County (bridge)		137,500
38. Black Eagle District (wastewater)		214,200
39. Lake County Solid Waste District (solid waste)		500,000
40. Sheridan County (bridge)		210,775
41. Whitefish, City of (water)		500,000
42. Belgrade, City of (wastewater)		500,000
43. Yellowstone County (bridge)		172,710

(4) If sufficient funds are available, this section constitutes a valid obligation of funds to the grant recipients listed in subsection (3) for purposes of encumbering the treasure state endowment special revenue account funds received during the 2005 biennium under 17-7-302. However, a grant recipient's entitlement to receive funds is dependent on the grant recipient's compliance with the conditions described in [section 3(1)] and on the availability of funds.

(5) If funds deposited into the treasure state endowment special revenue account during the biennium ending June 30, 2005, are insufficient to fully fund the projects numbered 1 through 40 in subsection (3) that have satisfied the conditions described in [section 3(1)] by June 30, 2005, the 59th legislature is encouraged to give priority to funding these projects from deposits into the treasure state endowment special revenue account made during the 2007 biennium, before projects authorized by the 59th legislature receive funding from the account. However, any of the projects numbered 1 through 40 listed in subsection (3) that have not completed the conditions described in [section 3(1)] by January 1, 2005, must be reviewed by the next regular session of the legislature to determine if the authorized grant should be withdrawn.

(6) Projects numbered 41 through 43 listed in subsection (3) that have satisfied the conditions described in [section 3(1)] may not receive grant funds unless sufficient funds have been deposited into the treasure state endowment special revenue account to fully fund the projects numbered 1 through 40 in subsection (3). However, if a subsequent legislature withdraws funding for any of the projects numbered 1 through 40 listed in subsection (3), those funds could be made available to projects numbered 41 through 43 listed in subsection (3) that have completed the conditions described in [section 3(1)], unless that subsequent legislature designates that those funds are to be used to fund applications under its review.

(7) In the event that any remaining funds deposited into the treasure state endowment special revenue account are insufficient to fully fund one of the grant recipients listed in subsection (3), the department may make the remaining funds from the treasure state endowment special revenue account available to the grant recipient on condition that the grant recipient is able to firmly commit the balance of the amount necessary to fund the project in its entirety.

Section 2. Approval of grants — completion of appropriation. (1) The legislature, pursuant to 90-6-701, authorizes grants for the projects identified in [section 1(3)].

(2) The authorization of these grants completes an appropriation from the treasure state endowment special revenue account provided for in 17-5-703(4)(c).

Section 3. Conditions and manner of disbursement of grant funds. (1) The disbursement of grant funds under [sections 1 through 3] for the projects specified in [section 1(3)] is subject to completion of the following conditions:

(a) The grant recipient shall execute a grant agreement with the department of commerce.

(b) The scope of work and budget for the project as approved by the department in the grant agreement must be consistent with the intent and circumstances under which the application was originally ranked by the department and approved by the legislature. The department may not approve amendments to the scope of work or budget affecting activities or improvements

that would materially alter the intent and circumstances under which the application was originally ranked by the department and approved by the legislature.

(c) The grant recipient must have a project management plan that is approved by the department.

(d) The grant recipient shall document that other matching funds required for completion of the project are firmly committed.

(e) The grant recipient must be in compliance with the auditing and reporting requirements provided for in 2-7-503 and have established a financial accounting system that the department can reasonably ensure conforms to generally accepted accounting principles. Tribal governments shall comply with auditing and reporting requirements provided for in OMB Circular A-133.

(f) The grant recipient shall satisfactorily comply with any conditions described in the application (project) summaries section of the treasure state endowment program 2005 biennium report to the 58th legislature.

(g) The grant recipient shall satisfy other specific requirements considered necessary by the department to accomplish the purpose of the project as evidenced by the application to the department.

(2) The department shall commit grant funds to projects authorized in the order of priority listed in [section 1(3)] to grant recipients that have met the conditions in subsection (1) as treasure state endowment special revenue account interest income becomes available during the 2005 biennium.

(3) If a grant recipient authorized in [section 1(3)] has not met the conditions in subsection (1), the department shall move down the list of projects in the order of priority listed in [section 1(3)] to the next project that has met the conditions in subsection (1).

(4) The department may not commit grant funds to a grant recipient authorized in [section 1(3)] unless sufficient funds will be available in the treasure state endowment special revenue account.

(5) The department shall disburse grant funds on a reimbursement basis as grant recipients incur eligible project expenses.

(6) In the event that actual project expenses are lower than the projected expense of the project, the department may, at its discretion, reduce the amount of treasure state endowment program grant funds to be provided to grant recipients in proportion to all other project funding sources. In the alternative, the department may authorize the use of the remaining authorized treasure state endowment program grant amount for the construction of additional, directly related components that will further enhance the overall system.

(7) In the event that actual project expenses are lower than the projected expense of a project as presented in the grant recipient's treasure state endowment program application, the department may, at its discretion, reduce the amount of treasure state endowment program grant funds to be provided so that the grant recipient's projected average residential user rates do not become lower than their target rate as determined by the department.

Section 4. Appropriations from treasure state endowment regional water system special revenue account. (1) There is appropriated to the department of natural resources and conservation the interest earnings of the treasure state endowment regional water system special revenue account to

finance the state's share of regional water system projects authorized by this section and as set forth in 90-6-715.

(2) The dry prairie rural water authority and the north central Montana regional water authority are authorized to receive funds.

(3) Up to \$3,865,333 is authorized for the 2005 biennium to provide the state's share for regional water system projects.

(4) A regional water authority's receipt of funds is dependent on the authority's compliance with the conditions described in [section 6(1)].

(5) This section constitutes a valid obligation of funds to the regional water authorities listed in subsection (2) for purposes of encumbering the treasure state endowment regional water system special revenue account funds received during the 2005 biennium under 17-7-302.

Section 5. Approval of funds — completion of appropriation. (1) The legislature, pursuant to 90-6-715, authorizes funds for the regional water authorities identified in [section 4(2)].

(2) The authorization of these funds completes an appropriation from the treasure state endowment regional water system special revenue account provided for in 17-5-703(4)(d).

Section 6. Conditions and manner of disbursement of funds. (1) The disbursement of funds under [sections 4 through 6] is subject to completion of the following conditions:

(a) The regional water authority shall execute an agreement with the department of natural resources and conservation.

(b) The regional water authority must have a project management plan that is approved by the department.

(c) The regional water authority shall establish a financial accounting system that the department can reasonably ensure conforms to generally accepted accounting principles.

(d) The regional water authority's project must be authorized by the federal government.

(2) The department shall disburse funds on a reimbursement basis as the regional water authority incurs eligible project expenses. The regional water authority shall document that local matching funds are committed in equal proportion to the department's disbursement.

Section 7. Appropriations from treasure state endowment special revenue account for emergency grants. (1) There is appropriated to the department of commerce \$100,000 for the biennium beginning July 1, 2003, from the interest earnings of the treasure state endowment special revenue account for the purpose of providing local governments, as defined in 90-6-701, with emergency grants for infrastructure projects, as defined in 90-6-701.

(2) The projects eligible for emergency grants must be necessary to remedy conditions that if allowed to continue until legislative approval could be obtained would endanger the public health or safety and expose the applicant to substantial financial risk.

(3) The department may not make an emergency grant if it determines that through the implementation of reasonable management practices, the applicant can forestall the risks to health or safety until the legislative approval can be obtained.

(4) The department shall inform the governor and the legislative finance committee of emergency grants that are awarded during the biennium.

Section 8. Section 1, Chapter 213, Laws of 1995, is amended to read:

“Section 1. Appropriations from the treasure state endowment special revenue account. (1) There is appropriated to the department of commerce the interest earnings of the treasure state endowment special revenue account to finance grants authorized by this section.

(2) The funds appropriated in this section must be used by the department to make grants to the local government entities listed in subsection (3) for the described purposes and in amounts not to exceed the amounts set out in subsection (3). The appropriations are subject to the conditions set forth in [sections 1 through 3] and described in the treasure state endowment program January 1995 report to the 54th legislature. The legislature, pursuant to 90-6-710, approves the grants listed in subsection (3), in the order indicated in the list of projects. The department shall award funds up to the amounts approved in this section in order of priority until available funds are expended. The department shall provide funds not accepted or used by local governments with higher-ranked projects to local governments whose projects are in lower positions on the priority list and that would not otherwise receive funding. When additional funds become available for the grants listed in subsection (3), they must be awarded to projects in the order of the projects' priority when the lower-ranked projects meet the startup conditions of the department's grant agreement and are ready to proceed to construction.

(3) The following are the authorized projects in the order of their priority:

Applicant/Project	Matching Grant
1. Hill County Water Dist. (water)	\$500,000
2. 1. East Glacier Wtr. & Sewer Dist. (water)	306,555
3. 2. City of Lewistown (water)	500,000
4. 3. City of Troy (sewer)	500,000
5. 4. City of Conrad (water)	180,000
6. 5. City of Whitehall (water)	500,000
7. 6. Seeley Lake Water Dist. (water)	464,364
8. 7. City of Hamilton (sewer)	137,632
9. 8. Gardiner Water Dist. (water)	300,000
10. 9. City of Thompson Falls (sewer)	400,644
11. 10. Butte-Silver Bow (sewer)	500,000
12. 11. Beaverhead County (bridge)	23,000
13. 12. Powell County (bridge)	51,334
14. 13. Town of Fairview (water)	500,000
15. 14. Town of Hysham (sewer)	127,500

(4) This section constitutes a valid obligation of funds to the entities listed in subsection (3) for purposes of encumbering the treasure state endowment special revenue account funds received during the 1997 biennium under 17-7-302.”

Section 9. Repealer. Section 9, Chapter 435, Laws of 2001, is repealed.

Section 10. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa.

Section 11. Effective dates. (1) Except as provided in subsection (2), [this act] is effective on passage and approval.

(2) [Sections 1, 4, and 7] are effective July 1, 2003.

Approved May 9, 2003

CHAPTER NO. 588

[HB 363]

AN ACT AMENDING THE DEFINITION OF "ADEQUATELY FUNDED" TO ELIMINATE THE REQUIREMENT THAT THE STATE COMPENSATION INSURANCE FUND RESERVE AN ADDITIONAL AMOUNT EQUAL TO 10 PERCENT OF THE TOTAL COST OF FUTURE BENEFITS REMAINING TO BE PAID FOR INJURIES RESULTING FROM ACCIDENTS OCCURRING BEFORE JULY 1, 1990, AND THE COSTS OF ADMINISTERING THE CLAIMS FOR INJURIES RESULTING FROM ACCIDENTS OCCURRING BEFORE JULY 1, 1990; TRANSFERRING TO THE GENERAL FUND MONEY FROM CLAIMS OCCURRING BEFORE JULY 1, 1990; IMMEDIATELY TRANSFERRING THE EXISTING 10 PERCENT RESERVE TO THE STATE GENERAL FUND; AMENDING SECTION 39-71-2352, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 39-71-2352, MCA, is amended to read:

"39-71-2352. Separate payment structure and sources for claims for injuries resulting from accidents that occurred before July 1, 1990, and on or after July 1, 1990 — spending limit — authorizing transfer of money for payment of claims. (1) Premiums paid to the state fund based upon wages payable before July 1, 1990, may be used only to administer and pay claims for injuries resulting from accidents that occurred before July 1, 1990. Premiums paid to the state fund based upon wages payable on or after July 1, 1990, may be used only to administer and pay claims for injuries resulting from accidents that occur on or after July 1, 1990.

(2) The state fund shall:

(a) determine the cost of administering and paying claims for injuries resulting from accidents that occurred before July 1, 1990, and separately determine the cost of administering and paying claims for injuries resulting from accidents that occur on or after July 1, 1990;

(b) keep adequate and separate accounts of the costs determined under subsection (2)(a); and

(c) fund administrative expenses and benefit payments for claims for injuries resulting from accidents that occurred before July 1, 1990, and claims for injuries resulting from accidents that occur on or after July 1, 1990, separately from the sources provided by law.

(3) The state fund may not spend more than \$1.25 million a year to administer claims for injuries resulting from accidents that occurred before July 1, 1990.

(4) As used in this section, "adequately funded" means the present value of:

(a) the total cost of future benefits remaining to be paid; *and*

(b) the cost of administering the claims; ~~and~~

~~(c) an additional amount equal to 10% of the total of the amounts in subsections (4)(a) and (4)(b).~~

(5) Based on audited financial statements adjusted for unrealized gains and losses for ~~the each~~ fiscal year, ~~ending June 30, 2002~~, funds in excess of the adequate funding amount established in subsection (4) must be transferred as follows:

(a) Prior to June 30, 2003:

(i) the amount of \$1.9 million must be transferred to the general fund to be transferred to the state library equipment account and appropriated to the university system and the department of public health and human services; ~~and~~

(ii) the amount of \$2.1 million must be transferred to the school flexibility fund, provided for in 20-9-543; *and*

(iii) the amount of \$9,178,000 must be transferred to the general fund.

(b) Prior to June 30, 2004, an amount up to \$4.3 million in available excess funds from fiscal year 2003 must be transferred to the general fund.

(c) Prior to June 30, 2005, an amount up to \$3.78 million in available excess funds from fiscal year 2004 must be transferred to the general fund.

~~(b)(d) In the fiscal year ending June 30, 2003, years 2004 and 2005, the any remaining amount, and in subsequent fiscal years, an amount of funds in excess of the adequate funding amount established in subsection (4), based on audited financial statements adjusted for unrealized gains and losses, must be transferred to the account established in 39-71-2321 to pay claims for injuries resulting from accidents that occurred on or after July 1, 1990. The total amount of funds transferred under this subsection may not exceed \$63.8 million general fund.~~

(6) ~~If~~ *If* in any fiscal year after the old fund liability tax is terminated claims for injuries resulting from accidents that occurred before July 1, 1990, are not adequately funded, any amount necessary to pay claims for injuries resulting from accidents that occurred before July 1, 1990, must be transferred from the general fund to the account provided for in 39-71-2321.

(7) The independent actuary engaged by the state fund pursuant to 39-71-2330 shall project the unpaid claims liability for claims for injuries resulting from accidents that occurred before July 1, 1990, each fiscal year until all claims are paid."

Section 2. Transfer of excess reserves. On [the effective date of this act], the state compensation insurance fund shall transfer the 10% of funds that was required to be reserved pursuant to 39-71-2352(4) as follows:

(1) \$3,522,295 to the state general fund; and

(2) the remainder to the state general fund.

Section 3. Effective date. [This act] is effective on passage and approval.

Approved May 9, 2003

CHAPTER NO. 589

[HB 424]

AN ACT REQUIRING THE DEPARTMENT OF ADMINISTRATION TO ESTABLISH AND ENFORCE A TELEPHONE SOLICITATION NO-CALL LIST; PROHIBITING TELEPHONE SOLICITATION OF RESIDENTIAL SUBSCRIBERS WHO ARE ON THE NO-CALL LIST; PROVIDING THAT THE NO-CALL LIST DATABASE IS NOT A PUBLIC RECORD; PROVIDING THAT RESIDENTIAL SUBSCRIBERS MAY BE PLACED ON THE NO-CALL LIST WITHOUT COST; PROHIBITING INTERFERENCE WITH CALLER IDENTIFICATION SERVICES; PROVIDING FOR CIVIL, CRIMINAL, AND INJUNCTIVE ACTIONS AGAINST PERSONS OR ENTITIES VIOLATING TELEPHONE SOLICITATION NO-CALL PROVISIONS; PROVIDING FOR DISSEMINATION OF INFORMATION ON THE NO-CALL LIST; CREATING A TELEPHONE SOLICITATION NO-CALL LIST ADMINISTRATION ACCOUNT; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Definitions. As used in [sections 1 through 6] the following definitions apply:

(1) "Caller identification service" means a type of telephone service which permits telephone subscribers to see the telephone number of incoming telephone calls.

(2) "Department" means the department of administration provided for in 2-15-1001.

(3) "Residential subscriber" means a person who has subscribed to residential telephone service from a local exchange company and the other persons living or residing with the person.

(4) "Telephone solicitation" means any voice communication over a telephone line from a live operator, through the use of an automatic dialing-announcing device, or by other means for the purpose of encouraging the purchase of, rental of, or investment in property, goods, or services. Telephone solicitation does not include communications:

(a) to any residential subscriber with that subscriber's prior express invitation or permission;

(b) by or on behalf of any person or entity with whom a residential subscriber has had a business contact within the past 180 days or has a current business or personal relationship;

(c) by or on behalf of an entity organized pursuant to section 501(c)(1) through 501(c)(6) of the Internal Revenue Code, 26 U.S.C. 501(c)(1) through 501(c)(6), while the entity is engaged in fundraising to support the charitable purpose for which the entity was established and provided that a bona fide member of the exempt organization makes the voice communication;

(d) by or on behalf of any entity over which a federal agency has regulatory authority to the extent that:

(i) subject to that authority, the entity is required to maintain a license, permit, or certificate to sell or provide the merchandise being offered through telemarketing; and

(ii) the entity is required by law or rule to develop and maintain a no-call list;

(e) by a natural person responding to a referral or working from the person's primary residence; or

(f) by a person licensed by the state of Montana to carry out a trade, occupation, or profession who is setting or attempting to set an appointment for actions relating to that licensed trade, occupation, or profession within the state.

Section 2. Telephone solicitation of residential subscribers on no-call list prohibited. A person or entity may not make or cause to be made any telephone solicitation to the telephone line of any residential subscriber in this state who has given notice to the department, in accordance with rules promulgated pursuant to [section 3], of the residential subscriber's objection to receiving telephone solicitations.

Section 3. Department to create no-call list database — rules — inclusion of national database — database not public record — no cost to subscribers. (1) The department shall establish and provide for the operation of a database containing a list of names and telephone numbers of residential subscribers who object to receiving telephone solicitations. The department must have the database in operation no later than January 1, 2004. A residential subscriber may be listed in the database without cost to the subscriber.

(2) Not later than January 1, 2004, the department shall promulgate rules and regulations governing the establishment of a state no-call database that are necessary and appropriate to fully implement the provisions of [sections 1 through 6]. The rules must include but are not limited to rules specifying:

(a) the methods by which each residential subscriber may give notice to the department or a contractor designated by the department of the residential subscriber's objection to receiving telephone solicitations or the methods by which the residential subscriber may revoke the notice;

(b) the length of time for which a notice of objection is effective and the effect of a change of telephone number on the notice;

(c) the methods by which pertinent information may be collected and added to the no-call database;

(d) the methods for obtaining access to the no-call database by any person or entity desiring to make telephone solicitations if that person or entity is required to avoid calling the residential subscribers included in the no-call database;

(e) the cost to be assessed to a person or entity that is required to obtain access to the no-call database; and

(f) other matters relating to the no-call database that the department considers desirable.

(3) If the federal communications commission establishes a single national database of telephone numbers of residential subscribers who object to receiving telephone solicitations pursuant to 47 U.S.C. 227(c)(3), the department shall include that part of the single national database that relates to Montana in the no-call database established pursuant to this section.

(4) Information contained in the no-call database established pursuant to this section may be used only for the purpose of compliance with [section 2] and this section or in a proceeding or action pursuant to [section 5]. The information may not be considered a public record pursuant to Title 2, chapter 6.

(5) In April, July, October, and January of each year, the department shall make a reasonable attempt to obtain subscription listings of residential subscribers in this state who have arranged to be included on any national no-call list and add those names to the state no-call list.

Section 4. Interference with caller identification service prohibited. (1) Any person or entity who makes a telephone solicitation to the telephone line of any residential subscriber in this state shall, at the beginning of the call, state clearly the identity of the person or entity initiating the call.

(2) A person or entity who makes a telephone solicitation to the telephone line of a residential subscriber in this state may not knowingly use any method to block or otherwise circumvent the residential subscriber's use of a caller identification service.

Section 5. Penalties — department to enforce civil, criminal, and injunctive relief — private actions — defenses — statute of limitations.

(1) (a) The department or a county attorney may initiate proceedings relating to a knowing violation or threatened knowing violation of [section 2 or 4].

(b) The proceedings may include a request for any of the following:

- (i) an injunction;
- (ii) a civil penalty up to a maximum of \$5,000 for each knowing violation;
- (iii) additional relief that a court of competent jurisdiction may order.

(c) The department may issue investigative demands, issue subpoenas, administer oaths, and conduct hearings in the course of investigating a violation of [section 2 or 4].

(2) In addition to the penalties provided in subsection (1), any person or entity that violates [section 4] is subject to all penalties, including criminal penalties, remedies, and procedures provided in the unfair trade practices and consumer protection laws, as provided for in Title 30, chapter 14, parts 1 and 2. The remedies available in this section are cumulative and in addition to any other remedies available by law.

(3) Any residential subscriber who has received more than one telephone solicitation within any 12-month period by or on behalf of the same person or entity in violation of [section 2 or 4] may bring an action to:

- (a) enjoin the violation; and
- (b) recover the greater of:
 - (i) the actual monetary loss from a knowing violation; or
 - (ii) \$5,000 in damages for each knowing violation.

(4) It is a defense in any action or proceeding brought pursuant to this section that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent telephone solicitations in violation of [section 2 or 4].

(5) An action or proceeding may not be brought pursuant to this section more than 2 years after:

- (a) the person bringing the action knew or should have known of the occurrence of the alleged violation; or
- (b) the termination of any proceeding or action arising out of the same violation or violations by the state of Montana.

(6) A court of this state may exercise personal jurisdiction, in the manner provided by law, over any nonresident or the nonresident's executor or administrator as to an action or proceeding authorized by this section.

(7) The remedies, duties, prohibitions, and penalties provided in [sections 1 through 6] are not exclusive and are in addition to all other causes of action, remedies, and penalties provided by law.

(8) A provider of telephone caller identification service may not be held liable for violations of [section 2 or 4] that are committed by other persons or entities.

Section 6. Telephone solicitation no-call list administration account — purpose and administration. (1) There is a telephone solicitation no-call list administration account in the state special revenue fund for administration of [sections 1 through 6] by the department.

(2) Revenue generated from fees collected from persons or entities obtaining access to the no-call list database and any civil penalties recovered by the department pursuant to [section 5] must be deposited into the telephone solicitation no-call list administration account.

Section 7. Codification instruction. [Sections 1 through 6] are intended to be codified as an integral part of Title 30, chapter 14, and the provisions of Title 30, chapter 14, apply to [sections 1 through 6].

Section 8. Effective date. [This act] is effective July 1, 2003.

Approved May 9, 2003

CHAPTER NO. 590

[HB 452]

AN ACT PROVIDING A TAX CREDIT FOR CONTRIBUTIONS TO AN ACCOUNT TO BE USED FOR PROVIDING SERVICES TO INDIVIDUALS WITH DEVELOPMENTAL DISABILITIES; PROVIDING FOR THE USE OF MONEY IN THE ACCOUNT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, A RETROACTIVE APPLICABILITY DATE, AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Developmental disability services account — funding — use — limitation. (1) There is a developmental disability services account in the state special revenue fund. Money is payable into the account from donations for purposes of providing services to individuals with developmental disabilities. The department of public health and human services shall provide the department of revenue with a list of taxpayers making donations to the account.

(2) Subject to subsection (3), money in the account must be used to provide services to individuals pursuant to this chapter. The department of public health and human services shall seek federal matching funds for expenditures from the account. Thirty percent of the money in the account for which a tax credit will be claimed must be transferred to the general fund for reimbursement of the tax credit. At the end of each calendar year, the department shall determine the amount of tax credits claimed and any funds transferred to the general fund in excess of the amount of the credit taken in the

previous tax year must be transferred back to the account. The remaining money in the account must be used to supplement existing funding.

(3) Expenditures from the account in the previous biennium may not be included in the base budget, as defined in 17-7-102, of the department for the current biennium.

Section 2. Credit for contributions to developmental disability services account. (1) An individual, corporation, partnership, or small business corporation, as defined in 15-30-1101, is allowed a credit against taxes imposed by 15-30-103 or 15-31-101 in an amount equal to 30% of the amount donated by the taxpayer during the year to the developmental disability services account established in [section 1]. The maximum credit that may be claimed by the taxpayer is \$10,000. The credit may not exceed the taxpayer's income tax liability. A taxpayer claiming a credit under this section may not claim a deduction under 15-30-121(1), 15-30-136(2), or 15-31-114 for the contribution for which a credit is claimed.

(2) There is no carryback or carryforward of the credit provided for in this section. The credit must be applied in the year the donation is made, as determined by the taxpayer's accounting method.

Section 3. Codification instructions. (1) [Section 1] is intended to be codified as an integral part of Title 53, chapter 20, and the provisions of Title 53, chapter 20, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 15, chapter 30, and the provisions of Title 15, chapter 30, apply to [section 2].

Section 4. Effective date. [This act] is effective on passage and approval.

Section 5. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 2002.

Section 6. Termination. [This act] terminates January 1, 2006.

Approved May 9, 2003

CHAPTER NO. 591

[HB 558]

AN ACT REVISING THE TERMS OF THE NONRESIDENT TEMPORARY-SNOWMOBILE-USE PERMIT; REMOVING THE REGISTRATION EXEMPTION FOR SNOWMOBILES REGISTERED IN ANOTHER STATE OR COUNTRY THAT ARE INTENDED TO BE TEMPORARILY USED WITHIN THIS STATE FOR NOT MORE THAN 30 DAYS; INCREASING THE FEE FOR A NONRESIDENT TEMPORARY-SNOWMOBILE-USE PERMIT AND DIRECTING EXPENDITURE OF THE FEE FOR SNOWMOBILE TRAIL GROOMING ASSISTANCE IN IMPACTED AREAS, FOR INCREASED ENFORCEMENT OF SNOWMOBILE LAWS, AND FOR THE STATEWIDE SNOWMOBILE TRAIL GROOMING PROGRAM; PROVIDING THAT A NONRESIDENT TEMPORARY-SNOWMOBILE-USE PERMIT IS VALID DURING THE FISCAL YEAR IN WHICH IT IS ISSUED; PROVIDING THAT A NONRESIDENT TEMPORARY-SNOWMOBILE-USE PERMIT IS NOT REQUIRED FOR A SNOWMOBILE THAT WILL BE USED ONLY ON TRAILS THAT ARE MANAGED JOINTLY BY AGREEMENT BETWEEN

MONTANA AND ANOTHER STATE; AMENDING SECTIONS 23-2-614 AND 23-2-615, MCA; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 23-2-614, MCA, is amended to read:

“23-2-614. Exemptions. (1) (a) The provisions of 23-2-601 through 23-2-644, with respect to registration, tax-paid decals, and certification of ownership, do not apply to snowmobiles owned or used by the United States or another state or any agency or political subdivision thereof, ~~any snowmobile registered in a country other than the United States and to be temporarily used within this state for a period of not more than 30 days, or to any snowmobile registered in another state of the United States but to be temporarily used within this state for not more than 30 days of the United States or another state.~~

(b) Snowmobiles owned by the state of Montana or any agency or political subdivision ~~thereof of the state~~ are exempt only from the payment of fees and ~~shall~~ must otherwise comply with all the requirements of 23-2-601 through 23-2-644.

(2) The provisions of 23-2-601 through 23-2-644 with respect to registration, tax-paid decals, and certification of ownership do not apply to unregistered snowmobiles owned by nonresidents of the state of Montana who either:

(a) display visual proof that a nonresident temporary-use permit has been purchased; or

(b) use the snowmobile only in races and for not more than 30 days in the state. “Race” means an organized competition on a predetermined course that is run according to accepted rules.”

Section 2. Section 23-2-615, MCA, is amended to read:

“23-2-615. Nonresident temporary-use permits — use of fees. (1) The requirements pertaining to the nonresident temporary-snowmobile-use permit are as follows:

(a) Application for the issuance of the permit must be made at locations and upon forms prescribed by the department. The forms must include but are not limited to:

(i) the applicant's name and permanent address; *and*

(ii) ~~the make, model, year, and serial number of the snowmobile; and~~

~~(iii)~~ (ii) an affidavit declaring the nonresidency of the applicant.

(b) Upon submission of the application and a fee of ~~\$6~~ \$15, a nonresident temporary-snowmobile-use sticker must be issued. The sticker must be ~~displayed permanently affixed~~ in a conspicuous manner on the snowmobile.

(2) The temporary permit is valid ~~for a consecutive 30-day period as designated by the permit during the fiscal year in which it is issued.~~

(3) The permit is not proof of ownership, and a certificate of ownership may not be issued.

(4) (a) A nonresident temporary-snowmobile-use permit is not required for a snowmobile that qualifies as a racing snowmobile under 23-2-622.

(b) *A nonresident temporary-snowmobile-use permit is not required for a snowmobile that will be used only on trails that are managed jointly by agreement between Montana and another state.*

(5) ~~All money~~ Money collected by payment of fees under this section must be ~~remitted to the department of revenue and deposited in the state general fund~~ and deposited in the state ~~general fund~~ special revenue fund to the credit of the department and used as follows:

(a) \$8 must be expended in areas that are impacted by nonresident snowmobile use to assist in offsetting snowmobile trail grooming costs;

(b) \$2 must be used by the department for the enforcement of snowmobile laws pursuant to 23-2-641;

(c) 50 cents must be remitted to the license agent who sold the nonresident temporary-snowmobile-use permit; and

(d) \$4.50 must be used by the department for the statewide snowmobile trail grooming program.

(6) The failure to display the permit as required by this section or the making of false statements in obtaining the permit is a misdemeanor, punishable by a fine of not less than \$25 or more than \$100."

Section 3. Coordination instruction. If Senate Bill No. 112 and [this act] are both passed and approved, then [section 4] of Senate Bill No. 112, amending 23-2-615, is void and [section 2 of this act], amending 23-2-615, is amended to read:

"Section 2. Section 23-2-615, MCA, is amended to read:

"23-2-615. Nonresident temporary-use permits — use of fees. (1) The requirements pertaining to the nonresident temporary-snowmobile-use permit are as follows:

(a) Application for the issuance of the permit must be made at locations and upon forms prescribed by the department. The forms must include but are not limited to:

(i) the applicant's name and permanent address; and

~~(ii) the make, model, year, and serial number of the snowmobile; and~~

~~(iii)~~ (ii) an affidavit declaring the nonresidency of the applicant.

(b) Upon submission of the application and a fee of ~~\$6~~ \$15, of which 50 cents is a search and rescue surcharge, a nonresident temporary-snowmobile-use sticker must be issued. The sticker must be ~~displayed permanently affixed~~ in a conspicuous manner on the snowmobile.

(2) The temporary permit is valid ~~for a consecutive 30-day period as designated by the permit during the fiscal year in which it is issued.~~

(3) The permit is not proof of ownership, and a certificate of ownership may not be issued.

(4) (a) A nonresident temporary-snowmobile-use permit is not required for a snowmobile that qualifies as a racing snowmobile under 23-2-622.

(b) A nonresident temporary-snowmobile-use permit is not required for a snowmobile that will be used only on trails that are managed jointly by agreement between Montana and another state.

(5) ~~All money~~ Except as provided in subsection (1)(b), money collected by payment of fees under this section must be ~~remitted to the department of revenue and deposited in the state general fund~~ and deposited in the state ~~general fund~~ special revenue fund to the credit of the department and used as follows:

(a) \$8 must be expended in areas that are impacted by nonresident snowmobile use to assist in offsetting snowmobile trail grooming costs;

(b) \$1.50 must be used by the department for the enforcement of snowmobile laws pursuant to 23-2-641;

(c) 50 cents must be remitted to the license agent who sold the nonresident temporary-snowmobile-use permit; and

(d) \$4.50 must be used by the department for the statewide snowmobile trail grooming program.

(6) The failure to display the permit as required by this section or the making of false statements in obtaining the permit is a misdemeanor, punishable by a fine of not less than \$25 or more than \$100.”

Section 4. Effective date. [This act] is effective July 1, 2003.

Approved May 9, 2003

CHAPTER NO. 592

[HB 559]

AN ACT REVISING PROVISIONS RELATING TO REGISTRATION OF CERTAIN MOTOR VEHICLES, MOTOR BOATS, SAILBOATS, PERSONAL WATERCRAFT, AND SNOWMOBILES; PROVIDING FOR A REGISTRATION DECAL AS EVIDENCE OF PAYMENT OF FEES IMPOSED FOR A VEHICLE OR VESSEL REGISTRATION PERIOD; PRESCRIBING PLACEMENT OF THE REGISTRATION DECAL; SIMPLIFYING THE FEES IN LIEU OF TAX IMPOSED ON BOATS AND CERTAIN OTHER WATERCRAFT, SNOWMOBILES, OFF-HIGHWAY VEHICLES, TRAVEL TRAILERS AND CERTAIN OTHER TRAILERS, AND MOTORCYCLES AND QUADRICYCLES; CHANGING FROM ANNUAL TO ONE-TIME-ONLY THE REGISTRATION, LICENSING, AND IMPOSITION OF THE FEE IN LIEU OF TAX AND CERTAIN OTHER FEES PAYABLE ON CERTAIN BOATS AND OTHER WATERCRAFT, SNOWMOBILES, OFF-HIGHWAY VEHICLES, TRAVEL TRAILERS AND CERTAIN OTHER TRAILERS, AND MOTORCYCLES AND QUADRICYCLES; ELIMINATING THE FEE IN LIEU OF TAX ON CERTAIN WATERCRAFT; ELIMINATING THE REGISTRATION OF AND VARIOUS FEES PAYABLE ON CAMPERS; INCREASING FEES FOR ANNUALLY REGISTERED MOTOR VEHICLES; AMENDING SECTIONS 15-1-122, 15-16-202, 23-2-502, 23-2-510, 23-2-511, 23-2-512, 23-2-513, 23-2-514, 23-2-515, 23-2-516, 23-2-517, 23-2-518, 23-2-519, 23-2-601, 23-2-612, 23-2-614, 23-2-616, 23-2-617, 23-2-626, 23-2-642, 23-2-803, 23-2-804, 23-2-807, 23-2-809, 23-2-817, 61-1-129, 61-3-303, 61-3-311, 61-3-312, 61-3-313, 61-3-317, 61-3-321, 61-3-332, 61-3-333, 61-3-463, 61-3-474, 61-3-521, 61-3-523, 61-3-526, 61-3-527, 61-3-530, 61-3-535, 61-3-560, AND 61-3-570, MCA; REPEALING SECTIONS 23-2-520, 23-2-618, 23-2-620, 23-2-810, 61-3-519, 61-3-524, 61-3-525, AND 61-3-606, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Registration decal. “Registration decal” means an adhesive sticker produced by the department and issued by the department, its authorized agent, or a county treasurer to the owner of a motor vehicle, as

defined in 61-1-102, as proof of payment of all fees imposed for the registration period indicated on the sticker as recorded by the department under 61-3-101.

Section 2. Section 15-1-122, MCA, is amended to read:

"15-1-122. Fund transfers. (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, \$36,764 for fiscal year 2003. Beginning with fiscal year 2004, the amount of the transfer must be increased by 10% in each succeeding fiscal year.

(2) There is transferred from the state general fund to the department of transportation state special revenue nonrestricted account the following amounts:

(a) \$75,000 in fiscal year 2003;

(b) \$2,960,715 in fiscal year 2004; and

(c) in each succeeding fiscal year, the amount in subsection (2)(b), increased by 1.5% in each succeeding fiscal year.

(3) For ~~fiscal year 2002 and for each succeeding~~ fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients indicated the following amounts:

(a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5:

(i) \$2 for each new application for a motor vehicle title and for each transfer of a motor vehicle title for which a fee is paid pursuant to 61-3-203; and

(ii) \$1 for each passenger car or truck under 8,001 pounds GVW *that is* registered for licensing pursuant to Title 61, chapter 3, part 3, *and \$5 for each permanently registered light vehicle.* Fifteen cents of each dollar must be used for the purpose of reimbursing the hired removal of abandoned vehicles during the calendar year following the calendar year in which the fee was paid. Any portion of the 15 cents not used for abandoned vehicle removal reimbursement during the calendar year following its payment must be used as provided in 75-10-532;

(b) to the noxious weed state special revenue account provided for in 80-7-816:

(i) *\$1 in fiscal year 2006 and, in each subsequent year, \$2.75* for each off-highway vehicle ~~subject to payment of~~ *for which the fee in lieu of tax is paid,* as provided for in 23-2-803; and

(ii) *for vehicles registered or reregistered pursuant to 61-3-321:*

(A) \$1.50 for each *registered* light vehicle, truck or bus weighing less than 1 ton, logging truck, ~~vehicles~~ *vehicle* weighing more than 1 ton, *and motor home;* and

(B) *\$1.50 in fiscal year 2006 and, in each subsequent year, \$3.65 for each motorcycle; and quadricycle; and motor home subject to registration or reregistration pursuant to 61-3-321; and*

(C) *\$7.50 for each permanently registered light vehicle;*

(c) to the department of fish, wildlife, and parks:

(i) *\$2.50 in fiscal year 2006 and, in each subsequent year, \$14.50* for each motorboat, sailboat, or personal watercraft receiving a certificate of number under 23-2-512, with 20% of the amount received to be used to acquire and maintain pumpout equipment and other boat facilities;

(ii) \$5 in fiscal year 2006 and, in each subsequent year, \$19 for each snowmobile registered under 23-2-616, with ~~\$2.50~~ 50% of the amount to be used for enforcing the purposes of 23-2-601 through 23-2-644 and ~~\$2.50~~ 50% of the amount designated for use in the development, maintenance, and operation of snowmobile facilities;

(iii) \$1 for each duplicate snowmobile registration decal issued under 23-2-617;

(iv) \$5 in fiscal year 2006 and, in each subsequent year, \$13.25 for each off-highway vehicle decal issued under 23-2-804 and each off-highway vehicle duplicate decal issued under 23-2-809, with 40% of the money used to enforce the provisions of 23-2-804 and 60% of the money used to develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use;

(v) to the state special revenue fund established in 23-1-105, \$3.50 in fiscal year 2006 and, in each subsequent year, \$8 for each recreational vehicle, ~~camper~~, motor home, and travel trailer registered or reregistered and subject to the fee in 61-3-321 ~~or 61-3-524~~; and

(vi) an amount equal to 20% of the funds collected pursuant to 23-2-518 to be deposited in the motorboat account to be used as provided in 23-2-533;

(d) to the state veterans' cemetery account, provided for in 10-2-603, \$10 for each veteran's license plate issued pursuant to 61-3-332(10)(a)(ii), (10)(f), and (10)(h);

(e) to the supplemental benefits for highway patrol officers' retirement account provided for in 19-6-709, 25 cents for each motor vehicle registered, other than:

(i) trailers or semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and

(ii) vehicles registered under 61-3-527, 61-3-530, and 61-3-562; and

(f) 25 cents a year for each registered vehicle and \$1.25 for each permanently registered vehicle subject to the fee in 61-3-321(6) for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.

~~(4) For fiscal year 2002, there is transferred from the state general fund to the state special revenue fund to be used for purposes of state funding of district court expenses, as provided in 3-5-901, \$5,742,983 in lieu of the amount deposited by the state treasurer under 61-3-509(3), as that subsection read prior to the amendment of 61-3-509 in 2001.~~

~~(5)~~(4) For each fiscal year, ~~beginning with fiscal year 2002~~, the department of justice shall provide to the department of revenue a count of the vehicles required for the calculations in subsection (3). ~~The department of justice shall provide a separate count of vehicles that are permanently registered pursuant to 61-3-562. A permanently registered vehicle may be included in vehicle counts only in the year in which the vehicle is registered or reregistered. Transfer amounts for fiscal year 2002 must be based on vehicle counts for calendar year 2000. Transfer amounts in each succeeding fiscal year must be based on vehicle counts in the most recent calendar year for which vehicle information is available. Vehicles that are permanently registered may be included in vehicle counts only in the year in which the vehicles are registered by new owners.~~

~~(6)~~(5) The amounts transferred from the general fund to the designated recipient must be appropriated as state special revenue in the general appropriations act for the designated purposes.”

Section 3. Section 15-16-202, MCA, is amended to read:

“15-16-202. Boats, snowmobiles, and motor vehicles — payment of current and back fees. (1) The fee in lieu of personal property taxes assessed against a ~~boat~~ motorboat, sailboat, or personal watercraft described in 23-2-517 for the year in which application for ~~decals~~ a registration decal is made ~~and the immediately previous year~~ must be paid before ~~license decals~~ the registration decal may be issued pursuant to 23-2-515.

(2) The fee in lieu of tax imposed on a snowmobile for the year in which application for registration is made ~~and the immediately previous year~~ must be paid before a snowmobile may be registered pursuant to 23-2-616.

(3) (a) Except for mobile homes and manufactured homes as defined in 15-1-101 ~~and except as provided in subsection (3)(b) of this section~~, the light vehicle registration fee or fee in lieu of tax imposed ~~or assessed~~ against a motor vehicle for the current year and the immediately previous year must be paid before a motor vehicle may be registered or reregistered pursuant to 61-3-303.

(b) *The vehicle registration fees or fee in lieu of tax imposed against a motor vehicle described in 61-3-303(6) must be paid before a motor vehicle may be registered pursuant to 61-3-303.*

(4) The provisions of subsections (1) ~~through~~ and (3)(a) do not require payment of the immediately previous year's fees if the fees have already been paid.”

Section 4. Section 23-2-502, MCA, is amended to read:

“23-2-502. Definitions. As used in this part, unless the context clearly requires a different meaning, the following definitions apply:

(1) “Certificate of number” means the certificate issued ~~annually~~ by the county treasurer to the owner of a motorboat or by the department of justice to dealers or manufacturers, assigning ~~such~~ the motorboat an identifying number and containing ~~such~~ other information as required ~~by the department of justice~~.

(2) “Certificate of ownership” means a certificate issued by the department of justice identifying the owner of a motorboat or sailboat 12 feet in length or longer.

(3) “Dealer” means ~~any~~ a person who engages in whole or in part in the business of buying, selling, or exchanging new and unused vessels or used vessels, or both, either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise, and who has an established place of business for sale, trade, and display of vessels. A yacht broker is a dealer.

(4) “Department” means the department of fish, wildlife, and parks of the state of Montana.

(5) “Documented vessel” means a vessel ~~which~~ that has and is required to have a valid marine document as a vessel of the United States.

(6) “Identifying number” means the boat number set forth in the certificate of number and properly displayed on the motorboat.

~~(7) “License decals” means the serially numbered license stickers issued annually by the county treasurer and displayed as required by law.~~

~~(8)~~(7) "Lienholder" means a person holding a security interest.

~~(9)~~(8) "Manufacturer" means ~~any~~ a person engaged in the business of manufacturing or importing new and unused vessels or new and unused outboard motors for the purpose of sale or trade.

~~(10)~~(9) (a) "Motorboat" means ~~any~~ a vessel, including a ~~canoe, kayak,~~ personal watercraft, ~~rubber raft,~~ or pontoon, propelled by any machinery, motor, or engine of any description, whether or not ~~such~~ the machinery, motor, or engine is the principal source of propulsion. The term includes boats temporarily equipped with detachable motors or engines. ~~but~~

(b) The term does not include a vessel ~~which~~ that has a valid marine document issued by the U.S. coast guard of the United States government or any federal agency successor ~~thereto~~.

~~(11)~~(10) "Operate" means to navigate or otherwise use a motorboat or a vessel.

~~(12)~~(11) "Operator" means the person who navigates, drives, or is otherwise in immediate control of a motorboat or vessel.

~~(13)~~(12) (a) "Owner" means a person, other than a lienholder, having the property in or title to a motorboat or vessel. The term includes a person entitled to the use or possession of a motorboat or vessel subject to an interest in another person, reserved or created by an agreement securing payment or performance of an obligation, ~~but the~~.

(b) The term ~~excludes~~ does not include a lessee under a lease not intended as security.

~~(14)~~(13) "Passenger" means ~~every~~ each person carried on board a vessel other than:

(a) the owner or ~~his~~ the owner's representative;

(b) the operator;

(c) bona fide members of the crew engaged in the business of the vessel who have not contributed ~~no~~ any consideration for their carriage and who are paid for their services; or

(d) ~~any~~ a guest on board a vessel ~~which~~ that is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for ~~his~~ the guest's carriage.

~~(15)~~(14) "Person" means an individual, partnership, firm, corporation, association, or other entity.

~~(16)~~(15) "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine powering a water jet pump as its primary source of propulsion and that is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the vessel.

(16) "Registration decal" means an adhesive sticker produced by the department of justice and issued by the department of justice, its authorized agent, or a county treasurer to the owner of a motor boat, sailboat, or personal watercraft as proof of payment of all fees imposed on the motor boat, sailboat, or personal watercraft for the registration period indicated on the sticker as recorded by the department of justice under 61-3-101.

(17) (a) "Sailboat" means a vessel that uses a sail and wind as its primary source of propulsion.

(b) The term does not include a canoe or kayak propelled by wind.

(18) "Security interest" means an interest that is reserved or created by an agreement that secures payment or performance of an obligation and is valid against third parties generally.

(19) "Uniform state waterway marking system" means one of two categories:

(a) a system of aids to navigation to supplement the federal system of marking in state waters;

(b) a system of regulatory markers to warn a vessel operator of dangers or to provide general information and directions.

(20) "Vessel" means every description of watercraft, unless otherwise defined by the department, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

(21) "Waters of this state" means any waters within the territorial limits of this state."

Section 5. Section 23-2-510, MCA, is amended to read:

"23-2-510. Transfer of interest. (1) Except as provided in subsection (3), upon a transfer of a certificate of ownership to a motorboat or sailboat 12 feet in length or longer registered as required under the provisions of this part, the person whose title or interest is to be transferred shall sign the certificate of ownership issued for the motorboat or sailboat in the appropriate space provided on the reverse side of the certificate, and the signature must be acknowledged before the county treasurer, a deputy county treasurer, or a notary public.

(2) Within 30 calendar days after endorsement, the transferee shall ~~make application~~ apply for a transfer of the certificate of ownership with the county treasurer of the county in which the transferee resides and ~~also make application~~ apply for registration of the motorboat or sailboat. The county treasurer shall forward the application to the department of justice, which shall file the application upon receipt. A certificate of ownership may not be issued by the department of justice until any outstanding certificate is surrendered to the department or its loss is established to the department's reasonable satisfaction. The county treasurer shall collect a fee of \$5 for each application for transfer of ownership, which must be forwarded to the department of justice for deposit in the general fund.

(3) A purchaser of a new or used motorboat or sailboat 12 feet in length or longer from a licensed dealer has a grace period of 30 calendar days from the date of purchase to register the motorboat or sailboat, ~~make application~~ apply for a certificate of ownership, and obtain a ~~registration~~ decal indicating that the fee in lieu of property tax has been paid on the vessel for the current year. It is not a violation of this part or any other law for the purchaser to operate a newly acquired motorboat or sailboat 12 feet in length or longer without a certificate of ownership, certificate of registration, and ~~registration~~ decal during the 30-day grace period. During this period the sticker provided for in subsection (4) must remain affixed to the motorboat or sailboat.

(4) Prior to the delivery of a motorboat or sailboat 12 feet in length or longer to the purchaser, the dealer shall issue and affix to a motorboat or sailboat constructed after October 31, 1972, a sticker as prescribed by the department of

justice. The sticker must contain the name and address of the purchaser, the date of sale, the name and address of the dealer, and a description of the motorboat or sailboat, including its serial number. The dealer shall keep a copy of the sticker for the dealer's records and shall send a copy of the sticker to the department of justice.

(5) A purchaser of a new or used motorboat or sailboat who is unable to record a transfer of ownership with the county treasurer ~~at the time of making an application~~ *when applying* for registration of the motorboat or sailboat because the certificate of ownership is lost, in the possession of ~~a third parties~~ *party*, or in the process of reissuance in this state or elsewhere may, upon making affidavit to that effect upon a form prescribed by the department of justice and upon the payment of the applicable fee in lieu of tax plus a fee of \$2 to be collected by the county treasurer and remitted to the department of justice for deposit in the general fund, obtain from the county treasurer of the county in which the boat is to be registered a temporary boat sticker. *The sticker must be of a size, color, and design as prescribed by the department of justice* ~~may prescribe, to~~ and be validated by the county treasurer for a period of 60 days from the date of issuance. The purchaser, upon displaying the sticker conspicuously on the motorboat or sailboat, may operate the motorboat or sailboat during the period for which the boat sticker has been validated without displaying the numbers and ~~license~~ *registration* decal for the current year. The county treasurer may not sell, and a person may not purchase, more than one 60-day temporary boat sticker for any motorboat or sailboat, the ownership of which has not changed since the issuance of the previous 60-day boat sticker.

(6) The provisions of subsection (2) do not apply ~~in the event of~~ *if* the transfer of a motorboat or sailboat 12 feet in length or longer ~~is to a licensed dealer intending who intends to resell the motorboat or sailboat and who operates it only for demonstration purposes, but~~. However, a dealer, upon transferring the dealer's interest, shall deliver the certificate of ownership with an application for a new certificate executed by the new owner in accordance with the provisions of this part. The department of justice, upon receipt of the certificate of ownership and application for a new certificate containing notice of a security interest, if any, shall issue a new certificate of ownership, together with a statement of any conditional sales contract, mortgage, or other lien.

(7) ~~When~~ *If* the names and addresses of more than one owner who are members of the same immediate family are listed on the certificate of ownership, joint ownership with right of survivorship, and not as tenants in common, is presumed.

(8) The provisions of 61-3-201(3) through (7) that apply to motor vehicles also apply to ~~any~~ a certificate of ownership transferred under this section."

Section 6. Section 23-2-511, MCA, is amended to read:

"23-2-511. Operation of unnumbered motorboats prohibited — display of decals registration decal. (1) ~~Every~~ A motorboat on the waters of this state, propelled by a motor or an engine of any description, must be properly numbered and display a valid ~~license decals~~ *registration decal*. ~~No~~ A person may not operate or give permission for the operation of any motorboat on ~~such the waters of this state unless the motorboat is numbered and displays a valid license decals registration decal in accordance with this part, with and applicable federal law, or with a federally approved numbering system of another state and unless:~~

(a) the certificate of number assigned to the motorboat is in ~~full force and~~ effect;

(b) the identifying number set forth in the certificate of number and the valid license decals are displayed on ~~such~~ the motorboat; and

(c) a temporary permit has been obtained from the county in which the boat is being operated if that county requires a temporary permit for out-of-state motorboats, as provided in 7-16-2121.

(2) Upon transfer of ownership of a motorboat from a registered boat dealer or manufacturer, the transferred motorboat may be operated on the waters of this state for 30 consecutive calendar days immediately following the transfer of ownership without displaying the numbers and ~~license registration~~ decal required by subsection (1) ~~provided that if~~ when the motorboat is operated during those 30 consecutive calendar days, a bill of sale or other evidence of transfer reciting the date of the transfer of ownership is retained in the motorboat and is exhibited to a warden or other officer upon request."

Section 7. Section 23-2-512, MCA, is amended to read:

"23-2-512. Identification number. (1) The owner of each motorboat, sailboat, or personal watercraft requiring numbering by this state shall file an application for number in the office of the county treasurer in the county where the motorboat, sailboat, or personal watercraft is owned, on forms prepared and furnished by the department of justice. The application must be signed by the owner of the motorboat, sailboat, or personal watercraft and be accompanied by a fee of \$3.50 *in calendar year 2004 and, in each subsequent year, \$15.50.* Any alteration, change, or false statement contained in the application ~~will render~~ renders the certificate of number void. Upon receipt of the application in approved form, the county treasurer shall issue to the applicant a certificate of number prepared and furnished by the department of justice, stating the number assigned to the motorboat, sailboat, or personal watercraft and the name and address of the owner.

(2) The applicant, upon the filing of the application, shall pay to the county treasurer the fee in lieu of tax required *under 23-2-517* for a motorboat 10 feet in length or longer, a sailboat 12 feet in length or longer, or a personal watercraft ~~for the current year of certification~~ before the application for certification or, *if applicable*, recertification may be accepted by the county treasurer.

(3) If the ownership of a motorboat, sailboat, or personal watercraft changes, a new application form with the certification fee must be filed within a reasonable time with the county treasurer and a new certificate of number assigned in the same manner as provided for in an original assignment of number.

(4) If an agency of the United States government has in force a comprehensive system of identification numbering for motorboats in the United States, the numbering system employed pursuant to this part by the department of justice must be in conformity.

(5) ~~Every~~ A certificate of number and ~~the license decals assigned a registration decal issued under this part continue in effect are effective for a period not to exceed 1 year~~ unless terminated or discontinued in accordance with the provisions of this part. ~~Certificates of number and license decals must show the date of expiration and may be renewed by the owner in the same manner provided for in the initial securing of the certificate.~~

~~(6) Certificates of number expire on December 31 of each year and may not be in effect unless renewed under this part.~~

~~(7)(6)~~ *In the event of a transfer of If ownership is transferred,* the purchaser shall ~~furnish~~ *notify* the county treasurer ~~notice~~ within a reasonable time of the acquisition of all or any part of the purchaser's interest, other than the creation of a security interest, in a motorboat, sailboat, or personal watercraft numbered in this state or of the loss, theft, destruction, or abandonment of the motorboat, sailboat, or personal watercraft. The transfer, loss, theft, destruction, or abandonment terminates the certificate of number for the motorboat, sailboat, or personal watercraft. Recovery from theft or transfer of a part interest that does not affect the owner's right to operate the motorboat, sailboat, or personal watercraft does not terminate the certificate of number.

~~(8)(7)~~ A holder of a certificate of number shall notify the county treasurer within a reasonable time if the holder's address no longer conforms to the address appearing on the certificate and shall furnish the county treasurer with the new address. The department of justice may provide by rule for the surrender of the certificate bearing the former address and its replacement with a certificate bearing the new address or the alteration of an outstanding certificate to show the new address of the holder.

~~(9)(8)~~ (a) The number assigned must be painted on or attached to each outboard side of the forward half of the motorboat, sailboat, or personal watercraft or, if there are no sides, at a corresponding location on both outboard sides of the foredeck of the motorboat, sailboat, or personal watercraft. The number assigned must read from left to right in Arabic numerals and block characters of good proportion at least 3 inches tall excluding border or trim of a color that contrasts with the color of the background and be so maintained as to be clearly visible and legible. The number may not be placed on the obscured underside of the flared bow where it cannot be easily seen from another vessel or ashore. Numerals, letters, or devices other than those used in connection with the identifying number issued may not be placed in the proximity of the identifying number. Numerals, letters, or devices that might interfere with the ready identification of the motorboat, sailboat, or personal watercraft by its identifying number may not be carried in a manner that interferes with the motorboat's, sailboat's, or personal watercraft's identification. A number other than the number ~~and license decal~~ assigned to a motorboat, sailboat, or personal watercraft or granted reciprocity under this part may not be painted, attached, or otherwise displayed on either side of the forward half of the motorboat, sailboat, or personal watercraft. *A registration decal issued under this part must be placed next to the identifying number located on the left side of a motorboat, sailboat, or personal watercraft or, if there are no sides, at the corresponding location on the left outboard side of the foredeck of the motorboat, sailboat, or personal watercraft.*

(b) The certificate of number must be pocket size and available to federal, state, or local law enforcement officers at all reasonable times for inspection on the motorboat, sailboat, or personal watercraft whenever the motorboat, sailboat, or personal watercraft is on waters of this state.

(c) Boat liveries are not required to have the certificate of number on board each motorboat, sailboat, or personal watercraft, but a rental agreement must be carried on board livery motorboats, sailboats, or personal watercraft in place of the certificate of number.

~~(10)~~(9) Fees, other than the fee in lieu of tax, collected under this section must be transmitted to the department of revenue, as provided in 15-1-504, for deposit in the state general fund.

~~(11)~~(10) An owner of a motorboat, sailboat, or personal watercraft shall within a reasonable time notify the department of justice, giving the motorboat's, sailboat's, or personal watercraft's identifying number and the owner's name ~~when~~ if the motorboat, sailboat, or personal watercraft is transferred, lost, destroyed, or abandoned or within 60 days after a change of the state of principal use or if a motorboat becomes documented as a vessel of the United States."

Section 8. Section 23-2-513, MCA, is amended to read:

"23-2-513. Dealer's identification number — premises — inspection — bond — judgment. (1) A dealer or manufacturer may apply directly to the department of justice for one identifying number and one or more certificates of number. A dealer's or manufacturer's identifying number ~~shall~~ *must* be displayed on ~~his~~ *a dealer's or manufacturer's* boat while the boat is operating for a purpose related to the buying, selling, or exchanging of the boat by the dealer or manufacturer.

(2) The application for a dealer's or manufacturer's identifying number must include ~~his~~ *the dealer's or manufacturer's* name and business address. Each dealer or manufacturer ~~will~~ *must* have one identifying number assigned to ~~his~~ *the dealer's or manufacturer's* business.

(3) An application for ~~a~~ dealer's or manufacturer's identifying number and a certificate of number must be accompanied by the following fees:

(a) for the identifying number, first certificate of number, and ~~set of license decals~~ *registration decal*, \$5;

(b) for each additional certificate of number and ~~set of license decals~~ *registration decal* applied for in any application, \$2.

(4) The department of justice shall issue certificates of number for the identifying ~~numbers~~ *number* assigned to a dealer or manufacturer in the same manner as provided in 23-2-512(1) and ~~(9)~~(8), ~~as amended~~, except that ~~no~~ *a* boat may ~~not~~ be described in ~~the~~ *a* certificate and each certificate must state that the identifying number has been assigned to a dealer or manufacturer. A dealer's or manufacturer's certificate of number expires on December 31 of the year for which it is issued.

(5) A dealer's or manufacturer's identifying number ~~shall~~ *must* be displayed in the same manner as provided in 23-2-512~~(9)~~(8), ~~as amended~~, except that the number may be temporarily attached. The last three letters ~~shall~~ *must* be "DLR" for dealer and "MFR" for manufacturer. These letters ~~shall~~ *must* be included, respectively, in dealer or manufacturer identification numbers ~~only~~.

(6) ~~No~~ A person other than a dealer or manufacturer or an employee of a dealer or manufacturer may ~~not~~ display or use a dealer's or manufacturer's identifying number. A dealer's or manufacturer's identifying number may be displayed only on motorboats owned by the dealer or manufacturer.

(7) ~~No~~ A dealer or manufacturer or employee of a dealer or manufacturer may ~~not~~ use a dealer's or manufacturer's identifying number for any purpose other than the purpose described in subsection (1) ~~of this section~~.

(8) A dealer shall maintain a principal place of business, coinciding with the business address listed on the application, where ~~he~~ *he maintains* all business

records *are maintained* and ~~where he~~ *where the dealer* displays, sells, and services merchandise. The dealer shall display a sign at the place of business that clearly states the name of the business. The premises of the dealer's principal place of business must be inspected by an official of the department of justice to ~~assure~~ *ensure* compliance with this section.

(9) ~~In order to~~ *To* qualify for renewal of a boat dealer's license, the dealer shall certify to the department of justice upon application for renewal that ~~he the~~ *the* dealer sold five or more boats during the previous license year. If five or more boats were not sold, an additional fee of \$50 is required for renewal of the dealer's license.

(10) (a) The applicant for a boat dealer's license shall file with ~~his the~~ application a bond of \$5,000. The bond must be conditioned that the applicant ~~shall will~~ *conduct his* business in accordance with the requirements of the law. All bonds must run to the state of Montana, must be approved by the department of justice and filed in its office, and must be renewed annually.

(b) A person who suffers loss or damage ~~due to~~ *because of* the unlawful conduct of a dealer licensed under this section shall obtain a judgment from a court of competent jurisdiction prior to collecting on the bond. The judgment must determine a specific loss or damage amount and conclude that the licensee's unlawful operation caused the loss or damage before payment on the bond is required."

Section 9. Section 23-2-514, MCA, is amended to read:

"23-2-514. Exemption from numbering provisions. A motorboat is not required to be numbered under this part if it is:

(1) covered by a number in ~~full force and effect~~ that has been assigned to it pursuant to federal law or a federally approved numbering system of another state, ~~provided that such vessel shall~~ *if the motorboat has not have* been within this state for a period in excess of 90 consecutive days. After 90 consecutive days within this state, this state becomes the motorboat's state of principal use and the owner must apply for a Montana number, certificate of number, and ~~license~~ *registration decal*.

(2) a motorboat from a country other than the United States temporarily using the waters of this state;

(3) a motorboat whose owner is the United States, a state, or ~~a subdivision thereof of a state~~; or

(4) a ship's lifeboat."

Section 10. Section 23-2-515, MCA, is amended to read:

"23-2-515. ~~License decals~~ Registration decal to be displayed. (1) ~~Every~~ A Montana motorboat, sailboat, or personal watercraft numbered in accordance with the provisions of 23-2-512 or 23-2-513 ~~shall be required to must~~ display ~~license decals~~ *a registration decal*. For this purpose the county treasurer, upon proof of payment of the fee in lieu of tax as required by 15-16-202 for motorboats 10 feet in length or longer, sailboats 12 feet in length or longer, or personal watercraft, shall issue ~~a pair of decals~~ *registration decal* prepared and furnished by the department of justice with all new certificates of number and, *if applicable, all renewals thereof of the certificates of number*.

(2) (a) The ~~decals shall~~ *registration decal* must be of a style and design prescribed by the department of justice and ~~shall must~~ be a color differing from ~~the preceding year~~.

(b) ~~The license decal will~~ *registration decal must* be serially numbered ~~and have the expiration date of December 31 of the appropriate year printed thereon.~~

(c) *The registration decals issued for a motorboat or sailboat do not expire while the motorboat or sailboat remains in the same ownership.*

(3) ~~License decals shall~~ *A registration decal must* be displayed ~~only in the following manner: one valid license decal on each~~ *on the left side of the forward half, 3 inches aft of the identifying numbers."*

Section 11. Section 23-2-516, MCA, is amended to read:

"23-2-516. Fee in lieu of tax for motorboats 10 feet in length or longer, sailboats 12 feet in length or longer, personal watercraft, motorized canoes, motorized rubber rafts, and motorized pontoons. (1)

(a) There is a fee in lieu of property tax as prescribed in 23-2-517 imposed on motorboats 10 feet in length or longer, sailboats 12 feet in length or longer, personal watercraft, ~~motorized canoes, motorized rubber rafts, and motorized pontoons.~~

(b) The fee is in addition to the ~~annual~~ fee required by 23-2-512 for filing of the application for a certificate of number *and is a one-time fee.*

(2) The fee imposed by subsection (1) need not be paid by a dealer for motorboats, sailboats, personal watercraft, ~~motorized canoes, motorized rubber rafts,~~ or motorized pontoons that constitute inventory of the dealership."

Section 12. Section 23-2-517, MCA, is amended to read:

"23-2-517. Fees for motorboats, sailboats, personal watercraft, motorized canoes, motorized rubber rafts, and motorized pontoons. (1)

The owner of a motorboat 10 feet in length or longer, ~~or~~ a sailboat 12 feet in length or longer, *a personal watercraft, or a motorized pontoon shall pay a fee based on the length and age of the motorboat or sailboat* as follows:

(a) ~~The~~ *Regardless of the vessel's age, the fee schedule* for a motorboat at least 10 feet in length but less than ~~14~~ 16 feet in length, ~~or~~ a sailboat at least 12 feet in length but less than ~~14~~ 16 feet in length, *a personal watercraft less than 16 feet in length, or a motorized pontoon less than 16 feet in length is as follows:*

(i) ~~for a motorboat or sailboat less than 5 years of age, \$7.50;~~

(ii) ~~for a motorboat or sailboat 5 years of age or older but less than 10 years of age, \$5.65; and~~

(iii) ~~for a motorboat or sailboat 10 years of age or older, \$3.75~~ *\$25 in calendar year 2004 and, in each subsequent year, \$50 and, except as provided in subsection (2), is a one-time fee.*

(b) ~~The~~ *Regardless of the vessel's age, the fee schedule* for a motorboat or sailboat at least ~~14~~ 16 feet in length but less than ~~16~~ 19 feet in length, *a personal watercraft 16 feet in length or longer, or a motorized pontoon 16 feet in length or longer is as follows:*

(i) ~~for a motorboat or sailboat less than 5 years of age, \$15;~~

(ii) ~~for a motorboat or sailboat 5 years of age or older but less than 10 years of age, \$11.25; and~~

(iii) ~~for a motorboat or sailboat 10 years of age or older, \$7.50.~~

(c) ~~The fee schedule for a motorboat or sailboat at least 16 feet in length but less than 17 feet in length is as follows:~~

- ~~(i) for a motorboat or sailboat less than 5 years of age, \$32;~~
- ~~(ii) for a motorboat or sailboat 5 years of age or older but less than 10 years of age, \$24; and~~
- ~~(iii) for a motorboat or sailboat 10 years of age or older, \$16.~~
- ~~(d) The fee schedule for a motorboat or sailboat at least 17 feet in length but less than 19 feet in length is as follows:~~
 - ~~(i) for a motorboat or sailboat less than 5 years of age, \$3 a foot or fraction of a foot;~~
 - ~~(ii) for a motorboat or sailboat 5 years of age or older but less than 10 years of age, \$2.25 a foot or fraction of a foot; and~~
 - ~~(iii) for a motorboat or sailboat 10 years of age or older, \$1.50 a foot or fraction of a foot \$55 in calendar year 2004 and, in each subsequent year, \$110 and, except as provided in subsection (2), is a one-time fee.~~
- ~~(e)(c) The fee schedule for a motorboat or sailboat 19 feet in length or longer is as follows:~~
 - ~~(i) for a motorboat or sailboat less than 5 years of age, \$4 a foot or fraction of a foot;~~
 - ~~(ii) for a motorboat or sailboat 5 years of age or older but less than 10 years of age, \$3 a foot or fraction of a foot; and~~
 - ~~(iii) for a motorboat or sailboat 10 years of age or older, \$2 a foot or fraction of a foot \$140 in calendar year 2004 and, except as provided in subsection (2), in each subsequent year, \$280.~~
- ~~(2) The owner of a personal watercraft shall pay a fee based on the age of the watercraft as follows:~~
 - ~~(a) The fee for a personal watercraft less than 4 years of age is \$22.~~
 - ~~(b) The fee for a personal watercraft 4 years of age or older is \$15.~~
 - ~~(3) (a) Except as provided in subsection (3)(b), the age of a motorboat, sailboat, or personal watercraft is determined by subtracting the manufacturer's designated model year from the current calendar year.~~
 - ~~(b) If the purchase year of a motorboat, sailboat, or personal watercraft precedes the designated model year of the motorboat, sailboat, or personal watercraft and the motorboat, sailboat, or personal watercraft is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.~~
 - ~~(4) The fee for a motorized canoe or a motorized rubber raft is \$7.50, regardless of its length or age.~~
 - ~~(5) The fee for a motorized pontoon is \$20, regardless of its length or age.~~
 - ~~(2) Whenever a transfer of ownership of a vessel described in subsection (1) occurs, the one-time fee required under subsection (1) must be paid by the new owner."~~

Section 13. Section 23-2-518, MCA, is amended to read:

"23-2-518. (Temporary) Disposition of fees in lieu of tax. The county treasurer shall transfer all fees in lieu of tax collected on motorboats 10 feet in length or longer, sailboats 12 feet in length or longer, personal watercraft, ~~motorized canoes, motorized rubber rafts, and motorized pontoons pursuant to~~

23-2-516 and 23-2-517 to the state general fund. (Terminates June 30, 2006—secs. 2, 3, Ch. 95, L. 2001.)

23-2-518. (Effective July 1, 2006) Disposition of fees in lieu of tax. The county treasurer shall transfer all fees in lieu of tax collected on motorboats 10 feet in length or longer, sailboats 12 feet in length or longer, personal watercraft, ~~motorized canoes, motorized rubber rafts,~~ and motorized pontoons pursuant to 23-2-516 and 23-2-517 to the state general fund.”

Section 14. Section 23-2-519, MCA, is amended to read:

“23-2-519. (Temporary) Penalty — disposition. (1) Failure to pay the fee in lieu of tax as provided for in 23-2-517 is a misdemeanor, punishable by a fine equal to four times the fee in lieu of tax that is due on the motorboat, sailboat, personal watercraft, ~~motorized canoe, motorized rubber raft,~~ or motorized pontoon for the current year of registration.

(2) All fines collected pursuant to subsection (1) must be distributed in the following ratio:

(a) 50% to the general fund of the county in which the motorboat, sailboat, personal watercraft, ~~motorized canoe, motorized rubber raft,~~ or motorized pontoon is issued a certification number; and

(b) 50% to the motorboat account of the state special revenue fund for use by the department in the enforcement of this part. (Terminates June 30, 2006—sec. 4, Ch. 95, L. 2001.)

23-2-519. (Effective July 1, 2006) Penalty — disposition. (1) Failure to pay the fee in lieu of tax as provided for in 23-2-517 is a misdemeanor, punishable by a fine equal to five times the fee in lieu of tax that is due on the motorboat, sailboat, personal watercraft, ~~motorized canoe, motorized rubber raft,~~ or motorized pontoon for the current year of registration.

(2) All fines collected pursuant to subsection (1) must be distributed in the following ratio:

(a) 50% to the general fund of the county in which the motorboat, sailboat, personal watercraft, ~~motorized canoe, motorized rubber raft,~~ or motorized pontoon is issued a certification number; and

(b) 50% to the motorboat account of the state special revenue fund for use by the department in the enforcement of this part.”

Section 15. Section 23-2-601, MCA, is amended to read:

“23-2-601. Definition of terms. As used in 23-2-601 through 23-2-644, the following terms ~~shall~~ have the meanings indicated ~~herein~~, unless the context otherwise clearly requires that another meaning is intended:

(1) “Certificate of ownership” means the document issued by the department of justice as prima facie evidence of ownership.

(2) “Certificate of registration” means the owner’s receipt evidencing payment of ~~taxes, decal fees, and registration fees for a given registration year due in order for the snowmobile to be validly registered.~~

(3) “dBa” means sound pressure level measured on the “A” weight scale in decibels.

(4) “Department” means the department of fish, wildlife, and parks of the state of Montana.

(5) "New snowmobile" means ~~any~~ a snowmobile that has not been previously sold to an owner, ~~as defined in subsection (7).~~

(6) "Operator" ~~includes every~~ includes each person who operates or is in actual physical control of the operation of a snowmobile.

(7) "Owner" ~~includes every~~ includes each person ~~as defined herein~~, other than a lienholder or other person having a security interest only, holding a certificate of ownership to a snowmobile and entitled to the use or possession ~~thereof of the snowmobile.~~

(8) "Person" ~~includes~~ means an individual, partnership, association, corporation, and any other body or group of persons, whether incorporated or not and regardless of the degree of formal organization.

(9) "Registration decal" means an adhesive sticker produced and issued by the department of justice, its authorized agent, or a county treasurer to the owner of a snowmobile as proof of payment of all fees imposed for the registration period indicated on the sticker as recorded by the department of justice under 61-3-101.

~~(9)~~(10) "Roadway" ~~includes~~ means only those portions of ~~any~~ a highway, road, or street improved, designed, or ordinarily used for travel or parking of motor vehicles.

~~(10)~~(11) "Snowmobile" ~~includes any~~ means a self-propelled vehicle of an overall width of 48 inches or less, excluding accessories, designed primarily for travel on snow or ice, which may be steered by skis or runners and which is not otherwise registered or licensed under the laws of the state of Montana."

Section 16. Section 23-2-612, MCA, is amended to read:

"23-2-612. Transfer of interest. (1) Except as provided in subsection (3), upon a transfer of ~~any~~ a certificate of ownership to a snowmobile registered as required under the provisions of 23-2-601 through 23-2-644, the person whose title or interest is to be transferred shall sign the certificate of ownership issued for the snowmobile in the appropriate space provided upon the reverse side of the certificate, and the signature must be acknowledged before the county treasurer, a deputy county treasurer, or a notary public.

(2) Within 20 calendar days after endorsement, the transferee shall ~~make application~~ apply for a transfer of the certificate of ownership with the county treasurer of the county in which the transferee resides and also ~~make application~~ apply for registration of the snowmobile. The county treasurer shall forward the application to the department of justice, which shall file the application upon receipt. A certificate of ownership may not be issued by the department of justice until the outstanding certificates are surrendered to that office or their loss is established to the department's reasonable satisfaction. The county treasurer shall collect a fee of \$5 for each application for transfer of ownership, which must be forwarded to the department of justice for deposit in the state general fund.

(3) A purchaser of a new or used snowmobile from a licensed snowmobile dealer has a grace period of 20 calendar days from the date of purchase to register the snowmobile, ~~make application~~ apply for a certificate of ownership, and obtain a registration decal indicating that the fee in lieu of property tax has been paid on the snowmobile for the current year. It is not a violation of 23-2-601 through 23-2-644 or any other law for the purchaser to operate a newly acquired snowmobile without a certificate of ownership, a certificate of registration, and a registration decal during the 20-day period. During this period, the sticker provided for in subsection (4) must remain affixed to the snowmobile.

(4) Prior to the delivery of the snowmobile to the purchaser, the dealer shall issue and affix to the snowmobile a sticker ~~(in a form to be prescribed by the department of justice)~~. The sticker ~~shall~~ *must* contain the name and address of the purchaser, the date of sale, the name and address of the dealer, and a description of the snowmobile, including its serial number. The dealer shall keep a copy of the sticker for the dealer's records and shall send a copy of the sticker to the department of justice.

(5) The provisions of subsection (2) do not apply ~~in the event of~~ to the transfer of a snowmobile to a licensed snowmobile dealer who is intending to resell the snowmobile and who operates it only for demonstration purposes, ~~but~~. However, a dealer, upon transferring the dealer's interest, shall deliver the certificate of ownership with an application for a new certificate executed by the new owner in accordance with the provisions of 23-2-601 through 23-2-644. The department of justice, upon receipt of the certificate of ownership and application for a new certificate containing notice of a security interest, if any, shall issue a new certificate of ownership, together with a statement of any conditional sales contract, mortgage, or other lien.

(6) ~~When~~ *If* the names and addresses of more than one owner who are members of the same immediate family are listed on the certificate of ownership, joint ownership with right of survivorship, and not as tenants in common, is presumed.

(7) The provisions of 61-3-201(3) through (7) that apply to motor vehicles also apply to ~~any~~ a certificate of ownership transferred under this section."

Section 17. Section 23-2-614, MCA, is amended to read:

"23-2-614. Exemptions. (1) The provisions of 23-2-601 through 23-2-644, with respect to registration, ~~tax-paid~~ *registration* decals, and certification of ownership, do not apply to snowmobiles owned or used by the United States or another state or ~~any~~ *an* agency or political subdivision ~~thereof of the United States or another state,~~ *any* a snowmobile registered in a country other than the United States and to be temporarily used within this state for a period of not more than 30 days, or to ~~any~~ *a* snowmobile registered in another state ~~of the United States~~ but to be temporarily used within this state for not more than 30 days. Snowmobiles owned by the state of Montana or ~~any~~ *an* agency or political subdivision ~~thereof of the state~~ are exempt only from the payment of fees and ~~shall~~ *must* otherwise comply with all the requirements of 23-2-601 through 23-2-644.

(2) The provisions of 23-2-601 through 23-2-644 with respect to registration, ~~tax-paid~~ *registration* decals, and certification of ownership do not apply to unregistered snowmobiles owned by nonresidents of ~~the state of~~ Montana who either:

(a) display visual proof that a nonresident temporary-use permit has been purchased; or

(b) use the snowmobile only in races and for not more than 30 days in the state. "Race" means an organized competition on a predetermined course that is run according to accepted rules."

Section 18. Section 23-2-616, MCA, is amended to read:

"23-2-616. Registration and ~~decals~~ *registration decal* — application and issuance — use of certain fees. (1) Except for a snowmobile registered under 23-2-621, a snowmobile may not be operated on public lands by any person in Montana unless it has been registered and ~~there~~ *a registration decal* is

displayed in a conspicuous place on ~~both sides~~ *the left side* of the cow ~~a decal as visual proof that the fee in lieu of property tax has been paid on it for the current year and the immediately previous year as required by 15-16-202.~~

(2) Application for registration must be made to the county treasurer upon forms ~~to be~~ furnished by the department of justice for this purpose, which may be obtained at the county treasurer's office in the county where the owner resides. The application must contain the following information:

- (a) the name and address of the owner;
- (b) the certificate of ownership number;
- (c) the make of the snowmobile;
- (d) the model name of the snowmobile;
- (e) the year of manufacture;
- (f) a statement evidencing payment of the fee in lieu of property tax as required by 15-16-202; and
- (g) other information that the department of justice may require.

(3) The application must be accompanied by a ~~decal registration~~ *registration* fee of ~~\$6.50 in calendar year 2004 and, in each subsequent year, \$20.50;~~ and, if the snowmobile has previously been registered, by the registration certificate for the most recent year in which the snowmobile was registered. The treasurer shall sign the application and issue a registration receipt that ~~must contain~~ *contains* information considered necessary by the department of justice and a listing of fees paid. The owner shall retain possession of the registration receipt until it is surrendered to the county treasurer ~~for reregistration~~ or to a purchaser or subsequent owner pursuant to a transfer of ownership.

(4) The county treasurer shall forward the signed application to the department of justice and shall issue to the applicant a *registration* decal in the style and design prescribed by the department of justice ~~and, of a different color than the preceding year, numbered in sequence.~~

(5) The county treasurer may not accept any application under this section until the applicant has paid the ~~decal registration~~ *registration* fee and the fee in lieu of property tax on the snowmobile ~~for the current year and the immediately previous year~~ as required by 15-16-202.

(6) All money collected from payment of ~~decal registration~~ *registration* fees and all interest accruing from use of this money must be forwarded to the department of revenue, as provided in 15-1-504, for deposit in the state general fund.

(7) The county treasurer shall credit all fees in lieu of tax collected on snowmobiles to the state general fund.

(8) *The fee imposed in subsection (3) is a one-time fee except on change of ownership. When ownership of the snowmobile changes, the new owner must pay the fee in subsection (3)."*

Section 19. Section 23-2-617, MCA, is amended to read:

"23-2-617. Duplicate decal. ~~In the event any~~ *If a registration decal indicating that the fee in lieu of property tax has been paid on a snowmobile for the current year* is lost, mutilated, or becomes illegible, the person to whom the ~~same~~ *same* registration decal was issued shall immediately make application for and

may obtain a duplicate ~~thereof~~ of the registration decal, upon payment of a fee of \$1 to the county treasurer."

Section 20. Section 23-2-626, MCA, is amended to read:

"23-2-626. Fee One-time fee in lieu of tax on snowmobiles — exception. (1) ~~There~~ Except as provided in subsections (3) and (4), there is a one-time fee in lieu of tax on snowmobiles of \$20 in calendar year 2004 and, in each subsequent year, \$40.

~~(2) The fee for a snowmobile less than 4 years old is \$22. In all other cases the fee is \$15.~~

~~(3) (a) Except as provided in subsection (3)(b), the age of a snowmobile is determined by subtracting the manufacturer's designated model year from the current calendar year.~~

~~(b) If the purchase year of a snowmobile precedes the designated model year of the snowmobile and the snowmobile is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.~~

~~(2) Except as provided in subsection (3), whenever a transfer of ownership of a snowmobile occurs, the fee required under subsection (1) must be paid by the new owner.~~

~~(4)(3) The fee need not be paid by a dealer for snowmobiles that constitute inventory of the dealership.~~

~~(4) A snowmobile that is licensed by a Montana business and that is owned exclusively for the purpose of daily rental to customers is assessed:~~

~~(a) a 1-year fee in lieu of tax of \$20 in the first year of registration; and~~

~~(b) if the business reregisters the snowmobile for a second year, the fee in lieu of tax imposed in subsection (1)."~~

Section 21. Section 23-2-642, MCA, is amended to read:

"23-2-642. Penalties. (1) The failure to display a current *registration* decal ~~indicating that the fee in lieu of property tax has been paid on the~~ a snowmobile for the current year during the time provided in 23-2-601 through 23-2-644 is a misdemeanor, punishable by a fine in an amount equal to five times the applicable fee in lieu of tax payable under 23-2-626.

(2) A person who violates any other provision of 23-2-601 through 23-2-644 or a rule adopted pursuant to those sections shall pay a civil penalty of not less than \$15 or more than \$500 for each separate violation. If the violation is willful, the person shall pay a civil penalty of not less than \$50 or more than \$1,000 for each separate violation.

(3) A manufacturer who certifies that a new snowmobile ~~can meet~~ meets the sound level limitations imposed by 23-2-601 through 23-2-644 is subject to the penalty provisions of subsection (2) if ~~any~~ the machine so certified does not meet the appropriate sound level limitation. For the purposes of this section, every sale of a new snowmobile that does not meet the sound level limitations imposed by 23-2-601 through 23-2-644 constitutes a separate violation."

Section 22. Section 23-2-803, MCA, is amended to read:

"23-2-803. Fee One-time fee in lieu of tax on off-highway vehicles — exception — disposition of fees. (1) ~~There~~ Except as provided in subsection (2), there is a one-time fee in lieu of tax on off-highway vehicles, other than

off-highway vehicles constituting the inventory of a dealership licensed under 23-2-818, to be paid to the county treasurer of the county in which the owner of the off-highway vehicle resides.

(a) ~~The one-time fee for an off-highway vehicle less than 3 years old is \$19. In all other cases the fee is \$9 is \$20 in calendar year 2004 and, in each subsequent year, \$40.~~

(b) ~~Except as provided in subsection (1)(c), the age of an off-highway vehicle is determined by subtracting the manufacturer's designated model year from the current calendar year.~~

(c) ~~If the purchase year of an off-highway vehicle precedes the designated model year of the off-highway vehicle and the off-highway vehicle is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.~~

(2) *Whenever a transfer of ownership of an off-highway vehicle occurs, the one-time fee required under subsection (1) must be paid by the new owner.*

~~(2)(3)~~ The county treasurer shall transfer all fees in lieu of tax collected on off-highway vehicles pursuant to this section to the state general fund."

Section 23. Section 23-2-804, MCA, is amended to read:

"23-2-804. Decal required. (1) Except as provided in 23-2-802, an off-highway vehicle may not be operated by ~~any~~ a person for off-road recreation on public lands in Montana unless there is displayed in a conspicuous place a decal, in a form prescribed by the department of justice and issued by the county treasurer, as visual proof that the following fees have been paid ~~for the current year~~:

(a) (i) the fee in lieu of tax provided for in 23-2-803; and

(ii) the registration fee provided for in 61-3-321; or

(b) when the vehicle will be used as provided in this section, the registration and taxation fees for motorcycles and quadricycles subject to licensure under 61-3-321, as evidenced by presentation of an owner's certificate of registration and payment receipt.

(2) The decal must be serially numbered ~~and have the expiration date of December 31 of the appropriate year printed on the decal.~~

Section 24. Section 23-2-807, MCA, is amended to read:

"23-2-807. Penalty — disposition. (1) The failure to display a ~~current~~ *valid* decal indicating that the fee in lieu of tax, registration fees, decal fees, and, when applicable, taxes on licensed vehicles have been paid on the off-highway vehicle ~~for the current year~~, as provided in 23-2-804, is a misdemeanor punishable by a fine of \$50.

(2) All fines collected under this section must be transmitted to the department of revenue for deposit in the state general fund."

Section 25. Section 23-2-809, MCA, is amended to read:

"23-2-809. Duplicate decal. If a decal required in 23-2-804 indicating that the off-highway vehicle fee has been paid ~~for the current year~~ is lost, mutilated, or becomes illegible, the person to whom it was issued shall immediately apply for and obtain a duplicate decal upon payment of a fee of \$5 to the county treasurer, who shall distribute the fee as provided in ~~23-2-804(3)~~ 23-2-803."

Section 26. Section 23-2-817, MCA, is amended to read:

“23-2-817. Registration fee — application and issuance — disposition. (1) Each off-highway vehicle is subject to ~~an annual~~ a registration fee of \$2.

(2) The county treasurer shall collect the ~~annual~~ fee when the fee in lieu of tax is collected.

(3) Application for registration must be made to the county treasurer of the county in which the owner resides, on a form furnished by the department of justice for that purpose. The application must contain:

- (a) the name and home mailing address of the owner;
- (b) the certificate of ownership number;
- (c) the name of the manufacturer of the off-highway vehicle;
- (d) the model number or name;
- (e) the year of manufacture;
- (f) a statement evidencing payment of the fee in lieu of property tax; and
- (g) ~~such~~ other information ~~as~~ that the department of justice may require.

(4) If the off-highway vehicle was previously registered, the application must be accompanied by the registration certificate for the most recent year in which it was registered. Upon payment of the registration fee, the county treasurer shall sign the application and issue a registration receipt, ~~which must contain~~ containing the information considered necessary by the department of justice and a listing of the fees paid. The owner shall retain possession of the registration receipt until it is surrendered to the county treasurer ~~for reregistration~~ or to a purchaser or subsequent owner pursuant to a transfer of ownership.

(5) All registration fees collected must be forwarded to the department of justice and deposited in the *state* general fund.”

Section 27. Section 61-1-129, MCA, is amended to read:

“61-1-129. Camper. (1) The term “camper” as used in 61-1-102, ~~61-3-524, and 61-3-525~~ includes but is not limited to truck camper, chassis-mounted camper, cab-over, half cab-over, noncab-over, telescopic, and telescopic cab-over.

(2) The term does not include a truck canopy cover or topper.”

Section 28. Section 61-3-303, MCA, is amended to read:

“61-3-303. Application for registration. (1) ~~Each~~ An owner of a motor vehicle operated or driven upon the public highways of this state shall for each motor vehicle owned, except as otherwise provided in this section, file in the office of the county treasurer in the county where the owner permanently resides at the time of making the application or, if the vehicle is owned by a corporation or used primarily for commercial purposes, in the taxing jurisdiction of the county where the vehicle is permanently assigned an application for registration or reregistration on a form prescribed by the department. The application must contain:

(a) the name and address of the owner, giving the county, school district, and town or city within whose corporate limits the motor vehicle is taxable, if taxable, or within whose corporate limits the owner's residence is located if the motor vehicle is not taxable;

(b) the name and address of the holder of any security interest in the motor vehicle;

(c) a description of the motor vehicle, including make, year model, engine or serial number, manufacturer's model or letter, gross weight, declared weight on all trucks for which the manufacturer's rated capacity is 1 ton or less, ~~and~~ type of body, and; if a truck, the manufacturer's rated capacity;

(d) the declared weight on all trailers operating intrastate, except travel trailers or trailers and semitrailers registered as provided in 61-3-711 through 61-3-733;

(e) a space in which the person registering the vehicle may indicate the person's desire to donate \$1 or more to promote awareness and education efforts for procurement of organ and tissue donations for anatomical gifts; and

(f) other information that the department may require.

(2) A person who files an application for registration or reregistration of a motor vehicle, except of a mobile home or a manufactured home as those terms are defined in 15-1-101(1), shall upon the filing of the application pay to the county treasurer:

(a) the registration fee, as provided in 61-3-311 and 61-3-321 or 61-3-456;

(b) except as provided in 61-3-456 or unless it has been previously paid, the motor vehicle fees in lieu of tax or registration fees under 61-3-560 through 61-3-562 imposed against the vehicle for the current year of registration and the immediately previous year; and

(c) a donation of \$1 or more if the person has indicated on the application that the person wishes to donate to promote awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact anatomical gifts.

(3) The application may not be accepted by the county treasurer unless the payments required by subsection (2) accompany the application. Except as provided in 61-3-560 through 61-3-562, the department may not assess or impose and the county treasurer may not collect taxes or fees for a period other than:

(a) the current year; and

(b) *except as provided in subsection (6), the immediately ~~previous~~ preceding year* if the vehicle was not registered or operated on the highways of the state, regardless of the period of time since the vehicle was previously registered or operated.

(4) The department may make full and complete investigation of the status of the vehicle. An applicant for registration or reregistration shall submit proof from appropriate records of the proper county at the request of the department.

(5) Revenue that accrues from the voluntary donation provided in subsection (2)(c) must be forwarded by the respective county treasurer for deposit in the state special revenue fund to the credit of an account established by the department of public health and human services to support activities related to awareness and education efforts for procurement of organ and tissue donations for anatomical gifts.

(6) *(a) Except as provided in subsection (6)(b), the fees in lieu of tax, taxes, and fees imposed on or collected from the registration of a travel trailer, motorcycle, or quadricycle [other than a motorcycle or quadricycle with special license plates*

issued under section 1 of House Bill No. 767] or a trailer, pole trailer, or semitrailer that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the vehicle is owned by the same person who registered the vehicle. Once registered, a vehicle described in this subsection (6)(a) is registered permanently unless ownership of the vehicle is transferred.

(b) Whenever ownership of a vehicle described in subsection (6)(a) is transferred, the new owner is required to register the vehicle as if it were being registered for the first time, including paying all of the required fees in lieu of tax, taxes, and fees."

Section 29. Section 61-3-311, MCA, is amended to read:

"61-3-311. Time for making application. (1) (a) ~~Registration~~ Except as provided in subsection (1)(b), the registration of a vehicle must be renewed annually, and ~~license~~ registration fees must be paid annually.

(b) Once registered, a vehicle described in 61-3-303(6)(a) is registered permanently unless ownership of the vehicle is transferred. A transfer of ownership of a vehicle described in 61-3-303(6)(a) requires the new owner to register the vehicle as provided in this title.

(2) Except as provided in 61-3-313 through 61-3-316, 61-3-318, 61-3-526, ~~and 61-3-560, 61-3-562, 61-3-721, and subsection (1)(b) of this section,~~ all registrations expire on December 31 of the year in which they are issued and application for registration or reregistration must be filed with the county treasurer not later than February 15 of each year.

(3) If the ownership of a motor vehicle is transferred during the registration year, the motor vehicle must be reregistered ~~and relicensed~~ as provided by statute."

Section 30. Section 61-3-312, MCA, is amended to read:

"61-3-312. Renewal of registration — exceptions — grace period. (1) Except as provided in 61-3-311(2) and (3), 61-3-314, 61-3-318, 61-3-526, 61-3-560, 61-3-562, and 61-3-721, a vehicle registration under this chapter expires on December 31 of each year and must be renewed annually upon application and payment of ~~license~~ registration fees as provided in 61-3-303 and 61-3-321. The renewal takes effect on January 1 of each year. The certificate of registration is valid only during the registration year for which it is issued.

(2) The owner of a vehicle registered under the provisions of this section may operate the vehicle between January 1 and February 15 without displaying the registration ~~certificate~~ decal of the current year if, during the period, the owner displays upon the vehicle the number plates or plate assigned for the previous year."

Section 31. Section 61-3-313, MCA, is amended to read:

"61-3-313. Vehicles subject to staggered registration. For purposes of 61-3-313 through 61-3-316, "vehicle" means a motor vehicle, as defined in 61-1-102, that is subject to annual registration in this state except:

(1) vehicles owned or leased and operated by the government of the United States or by the state of Montana or a political subdivision of the state;

(2) mobile homes and motor homes;

(3) vehicles that are registered in accordance with or subject to 61-3-332(10)(c)(i)(A), 61-3-411, or 61-3-421;

(4) trucks exceeding a 1-ton rated capacity;

- (5) trailers, semitrailers, tractors, ~~and buses, motorcycles, quadricycles, and motor-driven cycles;~~
- (6) special mobile equipment as defined in 61-1-104;
- (7) motor vehicles registered as part of a fleet under 61-3-318; and
- (8) apportionable vehicles registered as part of a fleet, as defined in 61-3-712, that is subject to the provisions of 61-3-711 through 61-3-733.”

Section 32. Section 61-3-317, MCA, is amended to read:

“61-3-317. New registration required for transferred vehicle — grace period — penalty — display of proof of purchase. (1) Except as otherwise provided in this section, the new owner of a transferred motor vehicle has a grace period of 20 calendar days from the date of purchase to make application and pay the registration fees, fees in lieu of tax and other fees required by part 5 of this chapter, and local option taxes, if applicable, unless the fees and taxes have been paid for the year or for the 24-month period as provided in 61-3-315, as if the vehicle were being registered for the first time in that registration year.

(2) *The new owner of a vehicle described in 61-3-303(6) shall make application and pay the registration fees, fees in lieu of tax, and other fees required by part 5 of this chapter and local option taxes, if applicable, whether or not the fees and taxes have been paid previously.*

(3) If the motor vehicle was not purchased from a licensed motor vehicle dealer as provided in this chapter, it is not a violation of this chapter or any other law for the purchaser to operate the vehicle upon the streets and highways of this state without a certificate of registration during the 20-day period, ~~provided that~~ if at all times during that period, a vehicle purchase sticker in a form prescribed and furnished by the department, obtained from the county treasurer or a law enforcement officer as authorized by the department, reciting the date of purchase is clearly displayed in the rear window of the motor vehicle.

(4) Registration ~~and license~~ fees collected under 61-3-321 are not required to be paid when a license plate is transferred under 61-3-335 and this section.

(5) Failure to make application within the time provided in this section subjects the purchaser to a penalty of \$10. The penalty must be collected by the county treasurer at the time of registration and is in addition to the fees otherwise provided by law. The penalty must be deposited in the state general fund.”

Section 33. Section 61-3-321, MCA, is amended to read:

“61-3-321. Registration fees of vehicles — certain vehicles exempt from license or registration fees — disposition of fees. (1) Registration ~~or~~ license fees must be paid upon registration or, *if applicable*, reregistration of motor vehicles, trailers, and semitrailers, in accordance with this chapter, as follows:

(a) light vehicles under 2,850 pounds, \$13.75 *in calendar year 2004 and, in each subsequent year, \$17;*

(b) trailers with a declared weight of less than 2,500 pounds and semitrailers, \$8.25; *For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.*

(c) motor vehicles registered pursuant to 61-3-411 that are:

(i) over 2,850 pounds, \$10; and

- (ii) under 2,850 pounds, \$5;
- (d) off-highway vehicles registered pursuant to 23-2-817, ~~\$9 in calendar year 2004 and, in each subsequent year, \$19.25. This fee is a one-time fee, except upon transfer of ownership of an off-highway vehicle.~~
- (e) light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and heavy trucks in excess of 1 ton, \$18.75 in calendar year 2004 and, in each subsequent year, \$22;
- (f) logging trucks less than 1 ton, \$23.75;
- (g) motor homes, \$22.25;
- (h) motorcycles and quadricycles, \$9.75; *[for a motorcycle or quadricycle with special license plates issued under section 1 of House Bill No. 767 and for a motorcycle or quadricycle under one-time registration, \$9.75] in calendar year 2004 and, in each subsequent year, \$11.25. This fee is a one-time fee, except upon transfer of ownership of a motorcycle or quadricycle.*
- (i) trailers and semitrailers between 2,500 and 6,000 pounds, ~~\$11.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.~~
- (j) trailers and semitrailers in excess of 6,000 pounds, other than trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement, ~~\$16.25. For a trailer or semitrailer described in 61-3-530(1), this fee is a one-time fee, except upon transfer of ownership of the trailer or semitrailer.~~
- (k) travel trailers, ~~\$11.75; and This fee is a one-time fee, except upon transfer of ownership of a travel trailer.~~
- (l) recreational vehicles, ~~\$3.50 in calendar year 2004 and, in each subsequent year, \$9.75. If the recreational vehicle is a travel trailer, this fee is a one-time fee, except upon transfer of ownership of a travel trailer.~~
- (2) (a) ~~Except as provided in subsection (2)(b), if a motor vehicle, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the registration or license fee for the remainder of the year is one-half of the regular fee.~~
- (b) *For a trailer or semitrailer described in 61-3-530(1), the applicable fees must be paid regardless of when the fees were last paid or if the fees were paid at all.*
- (3) *An additional fee of \$5 [for a motorcycle or quadricycle with special license plates issued under section 1 of House Bill No. 767 and for a motorcycle or quadricycle under one-time registration \$5] in calendar year 2004 and, in each subsequent year, \$16 must be collected for the registration of each motorcycle as a safety fee and must be deposited in the state motorcycle safety account provided for in 20-25-1002.*
- (4) A fee of \$2 for each set of new number plates must be collected when number plates provided for under 61-3-332(2) are issued.
- (5) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202.
- (6) (a) Except as provided in 61-3-562 and subsection (6)(b) of this section, a fee of 25 cents a year for each registration of a vehicle must be collected when a

vehicle is registered or reregistered. The revenue derived from this fee must be forwarded by the county treasurer for deposit in the *state* general fund for transfer to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.

~~(b) The following vehicles are not subject to the fee imposed in subsection (6)(a):~~
(6)(a) The following vehicles are not subject to the fee imposed in subsection (6)(a):

~~(i) trailers~~ (i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement; ~~and; and~~

(ii) ~~travel~~ travel trailers, recreational vehicles, and off-highway vehicles registered pursuant to 23-2-817.

(7) The provisions of this section relating to the payment of registration fees or new number plate fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335.

(8) A person qualifying under 61-3-332(10)(d) is exempt from the fees required under this section.

(9) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund."

Section 34. Section 61-3-332, MCA, is amended to read:

"61-3-332. (Temporary) Number plates. (1) A motor vehicle that is driven upon the streets or highways of Montana must display both front and rear number plates, bearing the distinctive number assigned to the vehicle.

(2) In addition to special license plates, collegiate license plates, and generic specialty license plates authorized under this chapter, a separate series of number plates must be issued, in the manner specified, for each of the following vehicle or dealer types:

(a) passenger vehicles, including automobiles, vans, and sport utility vehicles;

(b) motorcycles and quadricycles, bearing the letters "MC" or "CYCLE";

(c) trucks, bearing the letter "T" or the word "TRUCK";

(d) trailers, bearing the letters "TR" or the word "TRAILER";

(e) dealers of new, or new and used, motor vehicles, including trucks and trailers, bearing the letter "D" or the word "DEALER";

(f) dealers of used motor vehicles only, including trucks and trailers, bearing the letters "UD" or the letter "U" and the word "DEALER";

(g) dealers of motorcycles or quadricycles, bearing the letters "MCD" or the letters "MC" and the word "DEALER";

(h) dealers of trailers or semitrailers, bearing the letters "DTR" or the letters "TR" and the word "DEALER"; and

(i) dealers of recreational vehicles, bearing the letters "RV" or the letter "R" and the word "DEALER".

(3) (a) Except as provided in 61-3-479 and subsections (3)(b), (4)(c), and (4)(d) of this section, all number plates for motor vehicles must be issued for a maximum period of 4 years, bear a distinctive marking, and be furnished by the department. In years when number plates are not issued, the department shall provide ~~nonremovable stickers bearing appropriate registration numbers a~~

registration decal that must be affixed to the ~~license plates in use~~ rear license plate of the vehicle.

(b) For ~~motorcycles, quadricycles, and~~ light vehicles that are permanently registered as provided in 61-3-527 or 61-3-315 and 61-3-562 ~~and vehicles described in 61-3-303(6) that are permanently registered~~, the department shall provide a distinctive ~~nonremovable stickers~~ registration decal indicating that the vehicle is permanently registered. The ~~stickers~~ registration decal must be affixed to the ~~license plates in use~~ rear license plate of the permanently registered vehicle.

(4) (a) Subject to the provisions of this section, the department shall create a new design for number plates as provided in this section, and it shall manufacture the newly designed number plates for issuance after December 31, 1999, to replace at renewal, as required in 61-3-312 and 61-3-314, number plates that were displayed on motor vehicles before that date.

(b) Beginning January 1, 2000, the department shall manufacture and issue new number plates every 4 years.

(c) A light vehicle that is registered for a 24-month period, as provided in 61-3-315 and 61-3-560, may display the number plate and plate design in effect at the time of registration for the entire 24-month registration period.

(d) A ~~motorcycle, quadricycle, or~~ light vehicle *described in subsection (3)(b) that is permanently registered, as provided in 61-3-527 or 61-3-315 and 61-3-562*, may display the number plate and plate design in effect at the time of registration for the entire period that the vehicle is permanently registered.

(5) ~~In the case of~~ For passenger vehicles and trucks, plates must be of metal 6 inches wide and 12 inches in length. Except for generic specialty license plates, the outline of the state of Montana must be used as a distinctive border on the license plates, and the word "Montana" must be placed on each plate. Registration plates must be treated with a reflectorized background material according to specifications prescribed by the department.

(6) The distinctive registration numbers must begin with a number one or with a letter-number combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers. Except for special license plates, collegiate license plates, and generic specialty license plates, the distinctive registration number or letter-number combination assigned to the vehicle must appear on the plate preceded by the number of the county and appearing in horizontal order on the same horizontal baseline. The county number must be separated from the distinctive registration number by a separation mark unless a letter-number combination is used. The dimensions of the numerals and letters must be determined by the department, and all county and registration numbers must be of equal height.

(7) For the use of exempt motor vehicles and motor vehicles that are exempt from the registration fee as provided in 61-3-560(2)(a), in addition to the markings provided in this section, number plates must bear the following distinctive markings:

(a) For vehicles owned by the state, the department may designate the prefix number for the various state departments. All numbered plates issued to state departments must bear the words "State Owned", and a year number may not be indicated on the plates because these numbered plates are of a permanent nature and will be replaced by the department only when the physical condition of numbered plates requires it.

(b) For vehicles that are owned by the counties, municipalities, and special districts, as defined in 18-8-202, organized under the laws of Montana and not operating for profit, and that are used and operated by officials and employees in the line of duty and for vehicles on loan from the United States government or the state of Montana to, or owned by, the civil air patrol and used and operated by officials and employees in the line of duty, there must be placed on the number plates assigned, in a position that the department may designate, the letter "X" or the word "EXEMPT". Distinctive registration numbers for plates assigned to motor vehicles of each of the counties in the state and those of the municipalities and special districts that obtain plates within each county must begin with number one and be numbered consecutively. Because these number plates are of a permanent nature, they are subject to replacement by the department only when the physical condition of the number plates requires it and a year number may not be displayed on the number plates.

(8) Number plates issued to a passenger vehicle, truck, trailer, motorcycle, or quadricycle may be transferred only to a replacement passenger vehicle, truck, trailer, motorcycle, or quadricycle. A registration or license fee may not be assessed upon a transfer of a number plate under 61-3-317 and 61-3-335.

(9) For the purpose of this chapter, the several counties of the state are assigned numbers as follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44; Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must be assigned numbers by the department as they ~~may be~~ are formed, beginning with the number 57.

(10) Each type of special license plate approved by the legislature, except collegiate license plates authorized in 61-3-463 and generic specialty license plates authorized in 61-3-472 through 61-3-481, must be a separate series of plates, numbered as provided in subsection (6), except that the county number must be replaced by a nonremovable design or decal designating the group or organization to which the applicant belongs. Unless otherwise specifically stated in this section, the special plates are subject to the same rules and laws as govern the issuance of regular license plates, must be placed or mounted on a vehicle owned by the person who is eligible to receive them, *with the registration decal affixed to the rear license plate of the vehicle*, and must be removed upon sale or other disposition of the vehicle. The special license plates must be issued to national guard members, former prisoners of war, persons with disabilities, reservists, disabled veterans, survivors of the Pearl Harbor attack, veterans of the armed services, national guard veterans, legion of valor members, or veterans of the armed services who were awarded the purple heart medal, who comply with the following provisions:

(a) (i) An active member of the Montana national guard may be issued special license plates with a design or decal displaying the letters "NG". The adjutant general shall issue to each active member of the Montana national guard a certificate authorizing the department to issue national guard plates, numbered in sets of two with a different number on each set, and the member

shall surrender the plates to the department upon becoming ineligible to use them.

(ii) The department may issue national guard veteran plates, bearing a design or decal displaying the Montana national guard insignia and the words "National Guard veteran" and numbered in sets of two with a different number on each set, to an applicant who presents to the department a copy of certification of national guard retirement eligibility issued by the appropriate authorities for the applicant or the applicant's deceased spouse and who pays, in addition to all taxes and fees required by parts 3 and 5 of this chapter, a national guard veteran license plate fee of \$10. The additional fee must be distributed in accordance with the provisions of subsection (12).

(b) An active member of the reserve armed forces of the United States of America who is a resident of this state may be issued special license plates with a design or decal displaying the following: United States army reserve, AR (symbol); United States naval reserve, NR (anchor); United States air force reserve, AFR (symbol); and United States marine corps reserve, MCR (globe and anchor). The commanding officer of each armed forces reserve unit shall issue to each eligible member of the reserve unit a certificate authorizing the issuance of special license plates, numbered in sets of two with a different number on each set. The member shall surrender the plates to the department upon becoming ineligible to use them.

(c) (i) Subject to the limitation in 61-3-453, a resident of Montana who is a veteran of the armed forces of the United States and who has been awarded the purple heart and is 50% or more disabled because of an injury that has been determined by the department of veterans affairs to be service-connected or who is 100% disabled because of an injury that has been determined by the department of veterans affairs to be service-connected may, upon presentation to the department of documentation required in subsection (10)(f)(i) and proof of the required disability, be issued:

(A) a special license plate under this section with the purple heart decal or a design or decal displaying the letters "DV"; or

(B) one set of any other military-related plates that the 50% or more disabled veteran who has been awarded the purple heart or the disabled veteran is eligible to receive under this section.

(ii) The fee for original or renewal registration by a 100% disabled veteran for a motor vehicle, as defined in 61-1-102, that is not used for commercial purposes is \$5 and is in lieu of all other fees and taxes for that vehicle under this chapter irrespective of which set of military license plates the veteran is eligible to receive and chooses to display under subsection (10)(c)(i).

(iii) The fee for original or renewal registration for a motor vehicle, as defined in 61-1-102, that is not used for commercial purposes by a 50% or more disabled veteran who has been awarded the purple heart and who meets the criteria in subsection (10)(c)(i) is \$5 and is in lieu of other taxes and fees for that vehicle under this chapter, except for the \$10 fee required in subsection (10)(f)(iii), regardless of which set of military license plates the veteran is eligible to receive and chooses to display under subsection (10)(c)(i). Special license plates issued to a 50% or more disabled veteran who has been awarded the purple heart under subsection (10)(c) may be retained by a surviving spouse, subject to payment of all taxes and fees required under parts 3 and 4 of this chapter as provided in subsection (10)(f)(iii).

(iv) Special license plates issued to a disabled veteran and, except as provided in subsection (10)(c)(iii), to a 50% or more disabled veteran who has been awarded the purple heart are not transferable to another person.

(v) A 50% or more disabled veteran who has been awarded the purple heart or a disabled veteran is not entitled to a special license plate for more than one vehicle.

(vi) A vehicle that is lawfully displaying a disabled veteran's plate with a design or decal displaying the letters "DV" and that is conveying a 100% disabled veteran is entitled to the parking privileges allowed a person with a disability's vehicle under this title.

(d) (i) A Montana resident who is a veteran of the armed forces of the United States and was captured and held prisoner by a military force of a foreign nation, documented by the veteran's service record, may upon application and presentation of proof be issued special license plates, numbered in sets of two with a different number on each set, with a design or decal displaying the words "ex-prisoner of war" or an abbreviation that the department considers appropriate.

(ii) Fees required under 61-3-321(1) and (6) may not be assessed upon one set of license plates issued to an ex-prisoner of war under this subsection (10)(d).

(iii) A special license plate fee may not be assessed upon one set of special license plates issued to an ex-prisoner of war under this subsection (10)(d).

(iv) An ex-prisoner of war is exempt from the registration fees imposed under 61-3-560 through 61-3-562 for one vehicle that displays a set of ex-prisoner of war license plates.

(v) A surviving spouse of an ex-prisoner of war may retain the special license plates that have been issued to the ex-prisoner of war if the spouse complies with the provisions of 61-3-457.

(e) Except as provided in subsections (10)(c) and (10)(d), upon payment of all taxes and fees required by parts 3 and 5 of this chapter and upon furnishing proof satisfactory to the department that the applicant meets the requirements of this subsection (10)(e), the department shall issue to a Montana resident who is a veteran of the armed services of the United States special license plates, numbered in sets of two with a different number on each set, designed to indicate that the applicant is a survivor of the Pearl Harbor attack if the applicant was a member of the United States armed forces on December 7, 1941, was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) at Pearl Harbor, the island of Oahu, or was offshore at a distance of not more than 3 miles, and received an honorable discharge from the United States armed forces. If special license plates issued under subsection (10)(d) and this subsection are lost, stolen, or mutilated, the recipient of the plates is entitled to replacement plates upon request and without charge.

(f) A motor vehicle owner and resident of this state who is a veteran or the surviving spouse of a veteran of the armed services of the United States may be issued license plates inscribed as provided in subsection (10)(f)(i) if the veteran was separated from the armed services under other than dishonorable circumstances or was awarded the purple heart medal:

(i) Upon submission of a department of defense form 214(DD-214) or its successor or documents showing an other-than-dishonorable discharge or a reenlistment, proper identification, and other relevant documents to show an applicant's qualification under this subsection, there must be issued to the

applicant, in lieu of the regular license plates prescribed by law, special license plates numbered in sets of two with a different number on each set. The plates must display:

(A) the word "VETERAN" and a symbol signifying the United States army, United States navy, United States air force, United States marine corps, or United States coast guard, according to the record of service verified in the application; or

(B) a symbol representing the purple heart medal.

(ii) Plates must be furnished by the department to the county treasurer, who shall issue them to a qualified veteran or to the veteran's surviving spouse. The plates must be placed or mounted on the vehicle owned by the veteran or the veteran's surviving spouse designated in the application and must be removed upon sale or other disposition of the vehicle.

(iii) Except as provided for 100% disabled veterans and ex-prisoners of war in subsections (10)(c) and (10)(d), a veteran or surviving spouse who receives special license plates under this subsection (10)(f) is liable for payment of all taxes and fees required under parts 3 and 4 of this chapter and a special veteran's or purple heart medal license plate fee of \$10.

(g) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may, upon written application on a form prescribed by the department, be issued a special license plate with a design or decal bearing a representation of a wheelchair as the symbol of a person with a disability. *If the vehicle to which the license plate is attached is permanently registered, the owner of the vehicle shall maintain evidence of continued eligibility to use the license plate, which must be attached to the registration document in the vehicle.*

(h) The department may issue legion of valor license plates, bearing a design or decal depicting the recognized legion of valor medallion and numbered in sets of two with a different number on each set, to an applicant who presents to the department proper documentation of receipt of a legion of valor award by appropriate authorities to the applicant or the applicant's deceased spouse and who pays all taxes and fees required by parts 3 and 5 of this chapter.

(i) An active member of the armed forces of the United States who is a resident of the state or who is stationed outside of Montana may be issued special license plates inscribed as provided in subsection (10)(f)(i)(A). The member's commanding officer may issue a certificate or some other relevant document to show the applicant's qualification and authorizing the issuance of the special license plates in sets of two with a different number on each set. The member is liable for payment of all taxes and fees required by this chapter, except as provided in 61-3-456.

(11) The provisions of this section do not apply to a motor vehicle, trailer, or semitrailer that is registered as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through 61-3-733.

(12) Fees collected under this section must be deposited in the state general fund. (Terminates July 1, 2005—sec. 21, Ch. 402, L. 2001.)

61-3-332. (Effective July 1, 2005) Number plates. (1) A motor vehicle that is driven upon the streets or highways of Montana must display both front and rear number plates, bearing the distinctive number assigned to the vehicle.

(2) In addition to special license plates and collegiate license plates authorized under this chapter, a separate series of number plates must be issued, in the manner specified, for each of the following vehicle or dealer types:

- (a) passenger vehicles, including automobiles, vans, and sport utility vehicles;
- (b) motorcycles and quadricycles, bearing the letters "MC" or "CYCLE";
- (c) trucks, bearing the letter "T" or the word "TRUCK";
- (d) trailers, bearing the letters "TR" or the word "TRAILER";
- (e) dealers of new, or new and used, motor vehicles, including trucks and trailers, bearing the letter "D" or the word "DEALER";
- (f) dealers of used motor vehicles only, including trucks and trailers, bearing the letters "UD" or the letter "U" and the word "DEALER";
- (g) dealers of motorcycles or quadricycles, bearing the letters "MCD" or the letters "MC" and the word "DEALER";
- (h) dealers of trailers or semitrailers, bearing the letters "DTR" or the letters "TR" and the word "DEALER"; and
- (i) dealers of recreational vehicles, bearing the letters "RV" or the letter "R" and the word "DEALER".

(3) (a) Except as provided in subsections (3)(b), (4)(c), and (4)(d), all number plates for motor vehicles must be issued for a maximum period of 4 years, bear a distinctive marking, and be furnished by the state. In years when number plates are not issued, the department shall provide ~~nonremovable stickers bearing appropriate registration numbers~~ a registration decal that must be affixed to the ~~license plates in use~~ rear license plate of the vehicle.

(b) For ~~motorcycles, quadricycles, and~~ light vehicles that are permanently registered as provided in 61-3-527 or 61-3-315 and 61-3-562 ~~and vehicles described in 61-3-303(6)~~, the department shall provide a distinctive ~~nonremovable stickers~~ registration decal indicating that the vehicle is permanently registered. The ~~stickers~~ permanent registration decal must be affixed to the ~~license plates in use~~ rear license plate of the permanently registered vehicle.

(4) (a) Subject to the provisions of this section, the department shall create a new design for number plates as provided in this section, and it shall manufacture the newly designed number plates for issuance after December 31, 1999, to replace at renewal, as required in 61-3-312 and 61-3-314, number plates that were displayed on motor vehicles before that date.

(b) Beginning January 1, 2000, the department shall manufacture and issue new number plates every 4 years.

(c) A light vehicle that is registered for a 24-month period, as provided in 61-3-315 and 61-3-560, may display the number plate and plate design in effect at the time of registration for the entire 24-month registration period.

(d) A ~~motorcycle, quadricycle, or~~ light vehicle *described in subsection (3)(b)* that is permanently registered, ~~as provided in 61-3-527 or 61-3-315 and 61-3-562~~, may display the number plate and plate design in effect at the time of registration for the entire period that the vehicle is permanently registered.

(5) In the case of passenger vehicles and trucks, plates must be of metal 6 inches wide and 12 inches in length. The outline of the state of Montana must be

used as a distinctive border on the license plates, and the word "Montana" and the year must be placed across the plates. Registration plates must be treated with a reflectorized background material according to specifications prescribed by the department.

(6) The distinctive registration numbers must begin with a number one or with a letter-number combination, such as "A 1" or "AA 1", or any other similar combination of letters and numbers. The distinctive registration number or letter-number combination assigned to the vehicle must appear on the plate preceded by the number of the county and appearing in horizontal order on the same horizontal baseline. The county number must be separated from the distinctive registration number by a separation mark unless a letter-number combination is used. The dimensions of the numerals and letters must be determined by the department, and all county and registration numbers must be of equal height.

(7) For the use of exempt motor vehicles and motor vehicles that are exempt from the registration fee as provided in 61-3-560(2)(a), in addition to the markings provided in this section, number plates must bear the following distinctive markings:

(a) For vehicles owned by the state, the department may designate the prefix number for the various state departments. All numbered plates issued to state departments must bear the words "State Owned", and a year number may not be indicated on the plates because these numbered plates are of a permanent nature and will be replaced by the department only when the physical condition of numbered plates requires it.

(b) For vehicles that are owned by the counties, municipalities, and special districts, as defined in 18-8-202, organized under the laws of Montana and not operating for profit, and that are used and operated by officials and employees in the line of duty and for vehicles on loan from the United States government or the state of Montana to, or owned by, the civil air patrol and used and operated by officials and employees in the line of duty, there must be placed on the number plates assigned, in a position that the department may designate, the letter "X" or the word "EXEMPT". Distinctive registration numbers for plates assigned to motor vehicles of each of the counties in the state and those of the municipalities and special districts that obtain plates within each county must begin with number one and be numbered consecutively. Because these number plates are of a permanent nature, they are subject to replacement by the department only when the physical condition of the number plates requires it and a year number may not be displayed on the number plates.

(8) Number plates issued to a passenger vehicle, truck, trailer, motorcycle, or quadricycle may be transferred only to a replacement passenger vehicle, truck, trailer, motorcycle, or quadricycle. A registration or license fee may not be assessed upon a transfer of a number plate under 61-3-317 and 61-3-335.

(9) For the purpose of this chapter, the several counties of the state are assigned numbers as follows: Silver Bow, 1; Cascade, 2; Yellowstone, 3; Missoula, 4; Lewis and Clark, 5; Gallatin, 6; Flathead, 7; Fergus, 8; Powder River, 9; Carbon, 10; Phillips, 11; Hill, 12; Ravalli, 13; Custer, 14; Lake, 15; Dawson, 16; Roosevelt, 17; Beaverhead, 18; Chouteau, 19; Valley, 20; Toole, 21; Big Horn, 22; Musselshell, 23; Blaine, 24; Madison, 25; Pondera, 26; Richland, 27; Powell, 28; Rosebud, 29; Deer Lodge, 30; Teton, 31; Stillwater, 32; Treasure, 33; Sheridan, 34; Sanders, 35; Judith Basin, 36; Daniels, 37; Glacier, 38; Fallon, 39; Sweet Grass, 40; McCone, 41; Carter, 42; Broadwater, 43; Wheatland, 44;

Prairie, 45; Granite, 46; Meagher, 47; Liberty, 48; Park, 49; Garfield, 50; Jefferson, 51; Wibaux, 52; Golden Valley, 53; Mineral, 54; Petroleum, 55; Lincoln, 56. Any new counties must be assigned numbers by the department as they may be formed, beginning with the number 57.

(10) Each type of special license plate approved by the legislature, except collegiate license plates authorized in 61-3-463, must be a separate series of plates, numbered as provided in subsection (6), except that the county number must be replaced by a nonremovable design or decal designating the group or organization to which the applicant belongs. Unless otherwise specifically stated in this section, the special plates are subject to the same rules and laws as govern the issuance of regular license plates, must be placed or mounted on a vehicle owned by the person who is eligible to receive them, *with the registration decal affixed to the rear license plate of the vehicle*, and must be removed upon sale or other disposition of the vehicle. The special license plates must be issued to national guard members, former prisoners of war, persons with disabilities, reservists, disabled veterans, survivors of the Pearl Harbor attack, veterans of the armed services, national guard veterans, legion of valor members, or veterans of the armed services who were awarded the purple heart medal, who comply with the following provisions:

(a) (i) An active member of the Montana national guard may be issued special license plates with a design or decal displaying the letters "NG". The adjutant general shall issue to each active member of the Montana national guard a certificate authorizing the department to issue national guard plates, numbered in sets of two with a different number on each set, and the member shall surrender the plates to the department upon becoming ineligible to use them.

(ii) The department may issue national guard veteran plates, bearing a design or decal displaying the Montana national guard insignia and the words "National Guard veteran" and numbered in sets of two with a different number on each set, to an applicant who presents to the department a copy of certification of national guard retirement eligibility issued by the appropriate authorities for the applicant or the applicant's deceased spouse and who pays, in addition to all taxes and fees required by parts 3 and 5 of this chapter, a national guard veteran license plate fee of \$10. The additional fee must be distributed in accordance with the provisions of subsection (12).

(b) An active member of the reserve armed forces of the United States of America who is a resident of this state may be issued special license plates with a design or decal displaying the following: United States army reserve, AR (symbol); United States naval reserve, NR (anchor); United States air force reserve, AFR (symbol); and United States marine corps reserve, MCR (globe and anchor). The commanding officer of each armed forces reserve unit shall issue to each eligible member of the reserve unit a certificate authorizing the issuance of special license plates, numbered in sets of two with a different number on each set. The member shall surrender the plates to the department upon becoming ineligible to use them.

(c) (i) Subject to the limitation in 61-3-453, a resident of Montana who is a veteran of the armed forces of the United States and who has been awarded the purple heart and is 50% or more disabled because of an injury that has been determined by the department of veterans affairs to be service-connected or who is 100% disabled because of an injury that has been determined by the department of veterans affairs to be service-connected may, upon presentation

to the department of documentation required in subsection (10)(f)(i) and proof of the required disability, be issued:

(A) a special license plate under this section with the purple heart decal or a design or decal displaying the letters "DV"; or

(B) one set of any other military-related plates that the 50% or more disabled veteran who has been awarded the purple heart or the disabled veteran is eligible to receive under this section.

(ii) The fee for original or renewal registration by a 100% disabled veteran for a motor vehicle, as defined in 61-1-102, that is not used for commercial purposes is \$5 and is in lieu of all other fees and taxes for that vehicle under this chapter irrespective of which set of military license plates the veteran is eligible to receive and chooses to display under subsection (10)(c)(i).

(iii) The fee for original or renewal registration for a motor vehicle, as defined in 61-1-102, that is not used for commercial purposes by a 50% or more disabled veteran who has been awarded the purple heart and who meets the criteria in subsection (10)(c)(i) is \$5 and is in lieu of other taxes and fees for that vehicle under this chapter, except for the \$10 fee required in subsection (10)(f)(iii), regardless of which set of military license plates the veteran is eligible to receive and chooses to display under subsection (10)(c)(i). Special license plates issued to a 50% or more disabled veteran who has been awarded the purple heart under subsection (10)(c) may be retained by a surviving spouse, subject to payment of all taxes and fees required under parts 3 and 4 of this chapter as provided in subsection (10)(f)(iii).

(iv) Special license plates issued to a disabled veteran and, except as provided in subsection (10)(c)(iii), to a 50% or more disabled veteran who has been awarded the purple heart are not transferable to another person.

(v) A 50% or more disabled veteran who has been awarded the purple heart or a disabled veteran is not entitled to a special license plate for more than one vehicle.

(vi) A vehicle that is lawfully displaying a disabled veteran's plate with a design or decal displaying the letters "DV" and that is conveying a 100% disabled veteran is entitled to the parking privileges allowed a person with a disability's vehicle under this title.

(d) (i) A Montana resident who is a veteran of the armed forces of the United States and was captured and held prisoner by a military force of a foreign nation, documented by the veteran's service record, may upon application and presentation of proof be issued special license plates, numbered in sets of two with a different number on each set, with a design or decal displaying the words "ex-prisoner of war" or an abbreviation that the department considers appropriate.

(ii) Fees required under 61-3-321(1) and (6) may not be assessed upon one set of license plates issued to an ex-prisoner of war under this subsection (10)(d).

(iii) A special license plate fee may not be assessed upon one set of special license plates issued to an ex-prisoner of war under this subsection (10)(d).

(iv) An ex-prisoner of war is exempt from the registration fees imposed under 61-3-560 through 61-3-562 for one vehicle that displays a set of ex-prisoner of war license plates.

(v) A surviving spouse of an ex-prisoner of war may retain the special license plates that have been issued to the ex-prisoner of war if the spouse complies with the provisions of 61-3-457.

(e) Except as provided in subsections (10)(c) and (10)(d), upon payment of all taxes and fees required by parts 3 and 5 of this chapter and upon furnishing proof satisfactory to the department that the applicant meets the requirements of this subsection (10)(e), the department shall issue to a Montana resident who is a veteran of the armed services of the United States special license plates, numbered in sets of two with a different number on each set, designed to indicate that the applicant is a survivor of the Pearl Harbor attack if the applicant was a member of the United States armed forces on December 7, 1941, was on station on December 7, 1941, during the hours of 7:55 a.m. to 9:45 a.m. (Hawaii time) at Pearl Harbor, the island of Oahu, or was offshore at a distance of not more than 3 miles, and received an honorable discharge from the United States armed forces. If special license plates issued under subsection (10)(d) and this subsection are lost, stolen, or mutilated, the recipient of the plates is entitled to replacement plates upon request and without charge.

(f) A motor vehicle owner and resident of this state who is a veteran or the surviving spouse of a veteran of the armed services of the United States may be issued license plates inscribed as provided in subsection (10)(f)(i) if the veteran was separated from the armed services under other than dishonorable circumstances or was awarded the purple heart medal:

(i) Upon submission of a department of defense form 214(DD-214) or its successor or documents showing an other-than-dishonorable discharge or a reenlistment, proper identification, and other relevant documents to show an applicant's qualification under this subsection, there must be issued to the applicant, in lieu of the regular license plates prescribed by law, special license plates numbered in sets of two with a different number on each set. The plates must display:

(A) the word "VETERAN" and a symbol signifying the United States army, United States navy, United States air force, United States marine corps, or United States coast guard, according to the record of service verified in the application; or

(B) a symbol representing the purple heart medal.

(ii) Plates must be furnished by the department to the county treasurer, who shall issue them to a qualified veteran or to the veteran's surviving spouse. The plates must be placed or mounted on the vehicle owned by the veteran or the veteran's surviving spouse designated in the application and must be removed upon sale or other disposition of the vehicle.

(iii) Except as provided for 100% disabled veterans and ex-prisoners of war in subsections (10)(c) and (10)(d), a veteran or surviving spouse who receives special license plates under this subsection (10)(f) is liable for payment of all taxes and fees required under parts 3 and 4 of this chapter and a special veteran's or purple heart medal license plate fee of \$10.

(g) A Montana resident who is eligible to receive a special parking permit under 49-4-301 may, upon written application on a form prescribed by the department, be issued a special license plate with a design or decal bearing a representation of a wheelchair as the symbol of a person with a disability. *If the vehicle to which the license plate is attached is permanently registered, the owner*

of the vehicle shall maintain evidence of continued eligibility to use the license plate, which must be attached to the registration document in the vehicle.

(h) The department may issue legion of valor license plates, bearing a design or decal depicting the recognized legion of valor medallion and numbered in sets of two with a different number on each set, to an applicant who presents to the department proper documentation of receipt of a legion of valor award by appropriate authorities to the applicant or the applicant's deceased spouse and who pays all taxes and fees required by parts 3 and 5 of this chapter.

(i) An active member of the armed forces of the United States who is a resident of the state or who is stationed outside of Montana may be issued special license plates inscribed as provided in subsection (10)(f)(i)(A). The member's commanding officer may issue a certificate or some other relevant document to show the applicant's qualification and authorizing the issuance of the special license plates in sets of two with a different number on each set. The member is liable for payment of all taxes and fees required by this chapter, except as provided in 61-3-456.

(11) The provisions of this section do not apply to a motor vehicle, trailer, or semitrailer that is registered as part of a fleet, as defined in 61-3-712, and that is subject to the provisions of 61-3-711 through 61-3-733.

(12) Fees collected under this section must be deposited in the state general fund."

Section 35. Section 61-3-333, MCA, is amended to read:

"61-3-333. Replacing number plates. ~~In the event of~~ If loss, mutilation, or destruction of number plates, ~~and/or validation devices or a motor vehicle's registration decal occurs,~~ the owner of the registered motor vehicle may obtain from the department ~~duplicates or~~ replacements of the number plates ~~or a duplicate registration decal~~ upon filing a sworn declaration ~~showing~~ stating that fact and payment of a fee of \$2. ~~In the event of~~ If loss, mutilation, or destruction of pioneer plates occurs, duplicates may be obtained in the same manner upon payment of a fee of \$5."

Section 36. Section 61-3-463, MCA, is amended to read:

"61-3-463. Collegiate license plates. (1) Subject to the provisions of 61-3-332(4) and the requirement that collegiate license plates must have a white reflectorized background, the department shall design, cause to be manufactured, and issue collegiate license plates as provided in 61-3-464 through 61-3-466.

(2) After consultation with each institution, the department shall prescribe the color and insignia to be displayed on the collegiate license plates for each institution.

(3) In addition to each institution's distinctive color and insignia provided in subsection (2), each collegiate license plate must:

(a) be imprinted consecutively with distinctive numerals from 1 through 99999, capital letters A through Z, or a combination of numerals and letters; and

(b) bear a ~~nonremovable sticker~~ registration decal denoting the correct county designation under 61-3-332.

(4) The department shall determine the minimum and maximum number of characters, including both numerals and letters, on the collegiate license plates.

(5) An issue of collegiate license plates may not be ordered or manufactured for any individual institution unless at least 400 sets of plates are ordered and prepaid."

Section 37. Section 61-3-474, MCA, is amended to read:

"61-3-474. (Temporary) Responsibility for design of generic specialty license plates — numbering — rulemaking — approval — ~~county designation by sticker~~ registration decal — listing of plate sponsors. (1) The department shall:

(a) design the background and general format of generic specialty license plates;

(b) in consultation with the department of corrections, determine which license plate processing system is the most efficient and versatile manufacturing method for the production of generic specialty license plates;

(c) use a numbering system for generic specialty license plates that is distinctive from the numbering system required under 61-3-332 or used for collegiate license plates;

(d) adopt rules that prescribe:

(i) the minimum and maximum number of characters that a generic specialty license plate may display;

(ii) the general placement of the sponsor's name, identifying phrase, and graphic; and

(iii) any specifications or limitations on the use or choice of color or detail in the sponsor's graphic design.

(2) All sponsor names, identifying phrases, and graphics intended for use on generic specialty license plates must be approved by the department prior to the manufacture of the plates.

(3) Upon the issuance of generic specialty license plates, the department shall provide ~~nonremovable stickers~~ *registration decals* bearing the appropriate county designation as provided in 61-3-332. The ~~stickers~~ *registration decal* must be affixed to the license plates in use in accordance with instructions by the department.

(4) The department shall maintain a list of the organizations that it has approved as sponsors of generic specialty license plates, including the name and address of a generic specialty license plate liaison for each organization. The department shall, upon request, make copies of this list available to interested members of the public.

(5) The department may, in its discretion, revoke its previous approval of an organization's generic specialty license plate sponsorship if the organization fails to comply with the provisions of 61-3-472 through 61-3-481 or if the department has reliable information that the organization may no longer be qualified for sponsorship under 61-3-472 through 61-3-481. (Terminates June 30, 2005—sec. 21, Ch. 402, L. 2001.)"

Section 38. Section 61-3-521, MCA, is amended to read:

"61-3-521. Fee in lieu of tax for certain vehicles. (1) There is a fee in lieu of property tax imposed on motor homes, *and* travel trailers, ~~and campers~~ and on trailers, pole trailers, and semitrailers with a declared weight of less than 26,000 pounds. The fee is in addition to annual *or one-time* registration fees, as applicable.

(2) The fee imposed by subsection (1) need not be paid by a dealer for vehicles that constitute inventory of the dealership.”

Section 39. Section 61-3-523, MCA, is amended to read:

“61-3-523. ~~Schedule of fees~~ One-time fee for travel trailers and campers. (1) ~~The~~ Except as provided in subsection (2), the fee imposed by 61-3-521 on a travel trailer that is less than 3 years old is \$60. In all other cases the fee is \$22.50 is a one-time fee and is:

(a) for a travel trailer under 16 feet in length, \$25 in calendar year 2004 and, in each subsequent year, \$50; and

(b) for a travel trailer 16 feet in length or longer, \$65 in calendar year 2004 and, in each subsequent year, \$130.

~~(2) The fee imposed by 61-3-521 on a camper that is less than 3 years old is \$52.50. In all other cases the fee is \$22.50.~~

~~(3) (a) Except as provided in subsection (3)(b), the age of a travel trailer or camper is determined by subtracting the manufacturer's designated model year from the current calendar year.~~

~~(b) If the purchase year of a travel trailer or camper precedes the designated model year of the travel trailer or camper and the travel trailer or camper is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.~~

(2) Except as provided in subsection (3), whenever a transfer of ownership of a travel trailer occurs, the one-time fee required under subsection (1) must be paid by the new owner.

(3) The fee need not be paid by a dealer for travel trailers that constitute inventory of the dealership.”

Section 40. Section 61-3-526, MCA, is amended to read:

“61-3-526. Registration of motor homes and travel trailers — reregistration by mail allowed. (1) All registrations of motor homes ~~and travel trailers~~ expire annually on April 30. Application for registration or reregistration must be made to the county treasurer not later than June 15. Reregistration may be made by mail in the manner provided in 61-3-535. If the ownership of a motor home ~~or travel trailer~~ is transferred during the registration year, it must be reregistered ~~and relicensed~~ as provided by statute.

(2) The owner of a motor home ~~or travel trailer~~ registered under the provisions of this section ~~is entitled to~~ may operate ~~such the~~ vehicle between May 1 and June 15 without displaying the ~~certificate of registration~~ certificate of the current registration year if the owner, during that period, displays upon the motor home ~~or travel trailer~~ the number plates, ~~or plate,~~ or the registration decal assigned ~~thereto~~ to the motor home for the previous registration year.

(3) A travel trailer that is initially registered under this chapter remains registered unless ownership of the travel trailer is transferred. If ownership is transferred, the new owner shall register the travel trailer as if the travel trailer were being registered for the first time.”

Section 41. Section 61-3-527, MCA, is amended to read:

“61-3-527. ~~Fee~~ One-time fee in lieu of tax for motorcycles and quadricycles — ~~schedule of fees~~ permanent registration. (1) (a) There is a one-time fee in lieu of property tax of \$20 in calendar year 2004 and, in each

subsequent year, \$40 imposed on motorcycles and quadricycles [that are subject to one-time registration]. The fee is in addition to ~~annual~~ registration fees.

(b) The fee imposed by subsection (1)(a) is not required to be paid by a dealer for motorcycles or quadricycles that constitute inventory of the dealership.

~~(2) The owner of a motorcycle or quadricycle shall pay a fee based on the age of the motorcycle or quadricycle and the size of the engine, as follows:~~

~~(a) The fee schedule for a motorcycle or quadricycle with an engine that measures from 1 cubic centimeter to 600 cubic centimeters is as follows:~~

- ~~(i) less than 5 years old, \$30;~~
- ~~(ii) 5 years old and less than 11 years old, \$15; and~~
- ~~(iii) 11 years old and older, \$6.~~

~~(b) The fee schedule for a motorcycle or quadricycle with an engine that measures from 601 cubic centimeters to 1,000 cubic centimeters is as follows:~~

- ~~(i) less than 5 years old, \$55;~~
- ~~(ii) 5 years old and less than 11 years old, \$20; and~~
- ~~(iii) 11 years old and older, \$6.~~

~~(c) The fee schedule for a motorcycle or quadricycle with an engine that measures 1,001 cubic centimeters and larger is as follows:~~

- ~~(i) less than 5 years old, \$90;~~
- ~~(ii) 5 years old and less than 11 years old, \$50; and~~
- ~~(iii) 11 years old and older, \$6.~~

~~(3) (a) Except as provided in subsection (3)(b), the age of a motorcycle or quadricycle is determined by subtracting the manufacturer's designated model year from the current calendar year.~~

~~(b) If the purchase year of a motorcycle or quadricycle precedes the designated model year of the motorcycle or quadricycle and the motorcycle or quadricycle is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.~~

~~(4) (a) The owner of a motorcycle or quadricycle that is 11 years old or older and that is subject to the fee in lieu of tax under this section may permanently register the motorcycle or quadricycle upon payment of a \$30 fee in lieu of tax, the applicable registration and license fees under 61-3-321, and an amount equal to five times the applicable fees imposed or amounts calculated for each of the following:~~

- ~~(i) the motorcycle safety fee under 61-3-321 to be deposited in the account provided for in 20-25-1002;~~
- ~~(ii) weed control under 15-1-122(3)(b);~~
- ~~(iii) \$1 for the former county motor vehicle computer fee; and~~
- ~~(iv) if applicable, renewal fees for personalized plates under 61-3-406.~~

~~[(2) The owner of a motorcycle or quadricycle with special license plates issued under section 1 of House Bill No. 767 shall pay an annual fee based on the age of the motorcycle or quadricycle and the size of the engine, according to the following schedule:~~

~~(a) The fee schedule for a motorcycle or quadricycle with an engine that measures from 1 cubic centimeter to 600 cubic centimeters is as follows:~~

(i) less than 5 years old, \$30;

(ii) 5 years old but less than 11 years old, \$15; and

(iii) 11 years old and older, \$6.

(b) The fee schedule for a motorcycle or quadricycle with an engine that measures from 601 cubic centimeters to 1,000 cubic centimeters is as follows:

(i) less than 5 years old, \$55;

(ii) 5 years old but less than 11 years old, \$20; and

(iii) 11 years old and older, \$6.

(c) The fee schedule for a motorcycle or quadricycle with an engine that measures 1,001 cubic centimeters and larger is as follows:

(i) less than 5 years old, \$90;

(ii) 5 years old but less than 11 years old, \$50; and

(iii) 11 years old and older, \$6.

(3) (a) Except as provided in subsection (3)(b), the age of a motorcycle or quadricycle is determined by subtracting the manufacturer's designated model year from the current calendar year.

(b) If the purchase year of a motorcycle or quadricycle precedes the designated model year of the motorcycle or quadricycle and the motorcycle or quadricycle is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.]

~~(b)(2)~~ A person who ~~permanently~~ registers a motorcycle or quadricycle as provided in this ~~subsection (4)~~ section shall pay an additional ~~\$2~~ one-time fee of \$1.25 at the time of registration for deposit in the state general fund. The department shall pay from the general fund an amount equal to the ~~\$2~~ \$1.25 fee collected under this subsection ~~(4)(b)~~ from each vehicle registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709.

(3) Whenever a transfer of ownership of a motorcycle or quadricycle occurs, the one-time fees required under this section must be paid by the new owner. (Subsection ~~(4)(b)~~ (2) terminates on occurrence of contingency—sec. 24, Ch. 191, L. 2001.)”

Section 42. Section 61-3-530, MCA, is amended to read:

“61-3-530. Schedule of fees *Fee for trailers — exception.* (1) Except as provided in ~~subsection (4)~~ subsections (2) and (3), the owner of a trailer, pole trailer, or semitrailer that has a declared weight of less than 26,000 pounds shall pay the fee imposed pursuant to 61-3-521. The fee is ~~based on the age and declared weight of the trailer or semitrailer according to the following schedule:~~

Age (in years)	Declared Weight (in pounds)		
	0-6,000	6,001-16,000	16,001-25,999
Less than 5 years old	\$16	\$55	\$74
5 years old and less than 10 years old	11	32	41
10 years old and older	6	17	23

(2) (a) Except as provided in subsection (2)(b), the age of a trailer, pole trailer, or semitrailer is ~~determined by subtracting the manufacturer's designated model year from the current calendar year. For trailers, pole~~

~~trailers, and semitrailers that do not have a designated model year, the department shall determine a year of manufacture.~~

~~(b) If the purchase year of a trailer, pole trailer, or semitrailer precedes the designated model year of the trailer, pole trailer, or semitrailer and the trailer, pole trailer, or semitrailer is originally titled in Montana, then the purchase year is considered the model year for the purposes of calculating the fee in lieu of tax.~~

~~(3) The declared weight is the total unladen weight of the trailer, pole trailer, or semitrailer plus the maximum load declared by the owner to be carried on the trailer, pole trailer, or semitrailer a one-time fee and is:~~

~~(a) for a trailer, pole trailer, or semitrailer with a declared weight under 6,000 pounds, \$25 in calendar year 2004 and, in each subsequent year, \$50; and~~

~~(b) for a trailer, pole trailer, or semitrailer with a declared weight of 6,000 pounds or more, \$65 in calendar year 2004 and, in each subsequent year, \$130.~~

~~(4)(2) This section does not apply to a trailer, pole trailer, or semitrailer that has a declared weight of less than 26,000 pounds and that:~~

~~(a) is registered through a proportional registration agreement under 61-3-721; or~~

~~(b) constitutes inventory of a trailer, pole trailer, or semitrailer dealership.~~

~~(3) Whenever a transfer of ownership of a trailer, pole trailer, or semitrailer described in subsection (1) occurs, the one-time fee required under subsection (1) must be paid by the new owner.~~

~~(4) A person who permanently registers a trailer, pole trailer, or semitrailer as provided in this section shall pay an additional one-time fee of \$1.25 at the time of registration for deposit in the state general fund. The department shall pay from the general fund an amount equal to the \$1.25 fee collected under this section from each vehicle registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709."~~

Section 43. Section 61-3-535, MCA, is amended to read:

"61-3-535. Vehicle reregistration by mail — reminder notice and reregistration notice by mail. (1) The department may allow the owner of a motor vehicle to renew the registration of a vehicle by mail when the value, age, length, weight, or other criteria used to determine the tax or fee for a particular type of vehicle is available to the department by electronic means.

(2) Any mail reregistration procedure developed by the department must include a procedure to facilitate automated handling of mail reregistration ~~or recertification~~ and must provide for a written reminder notice by mail to a vehicle owner of the requirement to reregister the owner's vehicle with the county treasurer or to apply for the annual ~~camper~~ registration decal.

(3) The department shall adopt rules to implement the mail reregistration and registration decal application procedure."

Section 44. Section 61-3-560, MCA, is amended to read:

"61-3-560. Light vehicle registration fee — exemptions — 24-month registration. (1) Except as provided in subsections (2) and (3), there is a registration fee imposed on light vehicles. The registration fee is in addition to other annual registration fees.

(2) The following vehicles are exempt from the fee imposed in subsection (1):

(a) light vehicles that meet the description of property exempt from taxation under 15-6-201(1)(a), (1)(c) through (1)(e), (1)(g), (1)(m), (1)(o), (1)(q), or (1)(w), 15-6-203, or 15-6-215, except as provided in 61-3-520;

(b) a light vehicle owned by a 100% disabled veteran or by a 50% or more disabled veteran who has been awarded the purple heart qualifying for one set of special license plates under 61-3-332(10)(c) or 61-3-426;

(c) a light vehicle owned by an ex-prisoner of war qualifying for one set of special plates under 61-3-332(10)(d) or a surviving spouse of an ex-prisoner of war under 61-3-457; and

(d) a light vehicle registered under 61-3-456.

(3) A dealer for light vehicles is not required to pay the registration fee for light vehicles that constitute inventory of the dealership and that are reported under 61-3-501.

(4) The owner of a light vehicle subject to the provisions of 61-3-313 through 61-3-316 may register the light vehicle for a period not to exceed 24 months. The application for registration or reregistration must be accompanied by the registration fee and all other fees required in this chapter for each 12-month period of the 24-month period. However, the registration fees required under 61-3-321(1)(a) or (1)(b) paid at the time of registration or reregistration apply for the entire ~~24-month~~ registration period."

Section 45. Section 61-3-570, MCA, is amended to read:

"61-3-570. Local option flat fee. (1) A *local option* flat fee for each *light* vehicle may be imposed within a county by the board of county commissioners by adoption of a resolution and referral to the electorate. The imposition of the fee must be approved by the majority of the electorate voting in the election.

(2) The flat fee is:

(a) *applicable annually for light vehicles that are registered annually; and*

(b) *a one-time fee for light vehicles registered under 61-3-562.*

(3) *Fees collected under this section must be distributed as provided in 61-3-537."*

Section 46. Repealer. Sections 23-2-520, 23-2-618, 23-2-620, 23-2-810, 61-3-519, 61-3-524, 61-3-525, and 61-3-606, MCA, are repealed.

Section 47. Coordination instruction. (1) If House Bill No. 414 and [this act] are both passed and approved, then House Bill No. 414 is void.

(2) (a) If House Bill No. 538 and [this act] are both passed and approved and both amend 61-3-303, then 61-3-303 as amended in House Bill No. 538 is void and 61-3-303 must read as follows:

"Section 28. Section 61-3-303, MCA, is amended to read:

~~"61-3-303. Application for registration~~ *Registration — process — fees.* (1) ~~Each owner of~~ *A Montana resident who owns* a motor vehicle operated or driven upon the public highways of this state shall ~~for each~~ *register the* motor vehicle owned, ~~except as otherwise provided in this section, file in the office of the county treasurer in the county where the owner permanently resides at the time of making the application or, if the vehicle is owned by a corporation or used primarily for commercial purposes, in the taxing jurisdiction of the county where the vehicle is permanently assigned an application for registration or~~

~~reregistration on a form prescribed by the department. The application must contain:~~

~~(a) the name and address of the owner, giving the county, school district, and town or city within whose corporate limits the motor vehicle is taxable, if taxable, or within whose corporate limits the owner's residence is located if the motor vehicle is not taxable;~~

~~(b) the name and address of the holder of any security interest in the motor vehicle;~~

~~(c) a description of the motor vehicle, including make, year model, engine or serial number, manufacturer's model or letter, gross weight, declared weight on all trucks for which the manufacturer's rated capacity is 1 ton or less, and type of body and, if a truck, the manufacturer's rated capacity;~~

~~(d) the declared weight on all trailers operating intrastate, except travel trailers or trailers and semitrailers registered as provided in 61-3-711 through 61-3-733;~~

~~(e) a space in which the person registering the vehicle may indicate the person's desire to donate \$1 or more to promote awareness and education efforts for procurement of organ and tissue donations for anatomical gifts; and~~

~~(f) other information that the department may require.~~

(2) (a) Except as provided in subsection (3), the county treasurer shall register any vehicle for which:

(i) as of the date that the vehicle is to be registered, the owner delivers an application for a certificate of title to the department, its authorized agent, or a county treasurer; or

(ii) the county treasurer confirms that the department has an electronic record of title for the vehicle as provided under 61-3-101.

(b) To register a vehicle, the county treasurer shall update the electronic record of title maintained by the department under 61-3-101 by entering the fees paid and recording any changes to the recorded data.

(3) (a) A county treasurer shall register a motor vehicle for which a certificate of title and registration were issued in another jurisdiction and for which registration is required under 61-3-701 after the county treasurer examines the current out-of-jurisdiction registration certificate or receipt and receives payment of the fees required in 61-3-701. The county treasurer may ask the vehicle owner to provide additional information, prescribed by the department, to ensure that the electronic record of registration maintained by the department is complete.

(b) A county treasurer may register a motor vehicle for which the new owner cannot present the previously issued certificate of title only as authorized by the department under 61-3-342.

(4) The department or the county treasurer shall determine the amount of fees, including local option taxes or fees, to be collected at the time of registration for each light vehicle subject to a registration fee under 61-3-560 through 61-3-562 and for each bus, truck having a manufacturer's rated capacity of more than 1 ton, and truck tractor subject to a fee in lieu of tax under 61-3-529. The county treasurer shall collect the registration fee, other appropriate fees, and local option taxes or fees, if applicable, on each motor vehicle at the time of its registration.

~~(2)(5)~~ A person who ~~files an application for registration or reregistration of~~ seeks to register a motor vehicle, except of a mobile home or a manufactured home as those terms are defined in 15-1-101(1), shall ~~upon the filing of the application~~ pay to the county treasurer:

(a) the registration fee, as provided in 61-3-311 and 61-3-321 or 61-3-456;

(b) except as provided in 61-3-456 or unless it has been previously paid, the motor vehicle fees in lieu of tax or registration fees under 61-3-560 through 61-3-562 imposed against the vehicle for the current year of registration and the immediately previous year; and

(c) a donation of \$1 or more if the person has indicated on the application that the person wishes to donate to promote awareness and education efforts for procurement of organ and tissue donations in Montana to favorably impact anatomical gifts.

~~(3)(6)~~ The application may not be accepted by the county treasurer *may not issue a registration receipt or license plates for the vehicle to the owner unless the owner makes the payments required by subsection (2) (5) accompany the application.* Except as provided in 61-3-560 through 61-3-562, the department may not assess or impose and the county treasurer may not collect taxes or fees for a period other than:

(a) the current year; and

(b) *except as provided in subsection (9), the immediately previous preceding year if the vehicle was not registered or operated on the highways of the state, regardless of the period of time since the vehicle was previously registered or operated.*

~~(4)(7)~~ The department may make full and complete investigation of the registration status of the vehicle. ~~An applicant for registration or reregistration shall submit proof from appropriate records of the proper county at the request of the department. A person seeking to register a motor vehicle under this section shall provide additional information to support the registration to the department, if requested.~~

~~(5)(8)~~ Revenue that accrues from the voluntary donation provided in subsection ~~(2)(c)~~ (5)(c) must be forwarded by the respective county treasurer for deposit in the state special revenue fund to the credit of an account established by the department of public health and human services to support activities related to awareness and education efforts for procurement of organ and tissue donations for anatomical gifts.

(9) (a) *Except as provided in subsection (9)(b), the fees in lieu of tax, taxes, and fees imposed on or collected from the registration of a travel trailer, motorcycle, or quadricycle or a trailer, pole trailer, or semitrailer that has a declared weight of less than 26,000 pounds are required to be paid only once during the time that the vehicle is owned by the same person who registered the vehicle. Once registered, a vehicle described in this subsection (9)(a) is registered permanently unless ownership of the vehicle is transferred.*

(b) *Whenever ownership of a vehicle described in subsection (6)(a) is transferred, the new owner is required to register the vehicle as if it were being registered for the first time, including paying all of the required fees in lieu of tax, taxes, and fees.”*

(b) If House Bill No. 538 and [this act] are both passed and approved and both amend 61-3-311, then 61-3-311 as amended in House Bill No. 538 is void and 61-3-311 must read as follows:

“Section 29. Section 61-3-311, MCA, is amended to read:

“61-3-311. ~~Time for making application~~ Registration — annual renewal — time periods. (1) Registration must be renewed annually, and ~~license registration~~ fees must be paid annually. Except as provided in 61-3-313 through 61-3-316, 61-3-318, 61-3-526, and 61-3-721, all registrations expire on December 31 of the year in which they are issued and ~~application for registration or reregistration must be filed with~~ must be renewed annually upon payment of all required fees to the county treasurer or the department's agent not later than February 15 of each year. If the ownership of a motor vehicle is transferred during the registration year, *the new owner shall apply for a certificate of title and register the motor vehicle* ~~must be reregistered and relicensed~~ as provided by ~~statute~~ this chapter.

(2) *The department, its authorized agent, or a county treasurer may not renew the registration of a vehicle whose ownership has been transferred and that was originally registered under the provisions of 61-3-342(3), unless:*

(a) *the previously issued certificate of title has been surrendered to the department, its authorized agent, or the county treasurer and the process for issuing a certificate of title has been completed; or*

(b) *the person to whom ownership of the vehicle has been transferred presents an affidavit and bond in support of the application for a certificate of title as permitted in 61-3-208.”*

(3) (a) If Senate Bill No. 112 and [this act] are both passed and approved and both amend 15-1-122, then subsection (3)(g) of 15-1-122 must read as follows:

“(g) to the search and rescue account provided for in [section 1 of Senate Bill No. 112]:

(i) \$2 a year for each vessel subject to the search and rescue surcharge in 23-2-517;

(ii) \$2 a year for each snowmobile subject to the search and rescue surcharge in 23-2-615(1)(b) and 23-2-616(3); and

(iii) \$2 a year for each off-highway vehicle subject to the search and rescue surcharge in 23-2-803; and”

(b) If Senate Bill No. 112 and [this act] are both passed and approved and both amend 23-2-517, 23-2-616, or 23-2-803, the amendments to 23-2-517, 23-2-616, or 23-2-803 in Senate Bill No. 112 are void.

(4) If House Bill No. 767 is not passed and approved, then the bracketed language in the following sections of [this act] is void:

(a) [section 28] amending 61-3-303(6)(a);

(b) [section 33] amending 61-3-321(1)(h) and (3); and

(c) [section 41] amending 61-3-527.

Section 48. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 61, chapter 1, and the provisions of Title 61, chapter 1, apply to [section 1].

Section 49. Effective date. [This act] is effective January 1, 2004.

Section 50. Applicability. [This act] applies to vehicles and vessels registered on or after January 1, 2004.

Approved May 9, 2003

CHAPTER NO. 593

[HB 775]

AN ACT REVISING THE CONDITIONS UNDER WHICH A TAX APPEAL BOARD MAY ADJUST THE ESTIMATED VALUE OF REAL OR PERSONAL PROPERTY; AMENDING SECTION 1, CHAPTER 5, LAWS OF 2003; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 1, Chapter 5, Laws of 2003, is amended to read:

"Section 1. Requirements for entry on property by property valuation staff employed by department — authority to estimate value of property not entered — rules. (1) Subject to the conditions and restriction of this section, the provisions of 45-6-203 do not apply to property valuation staff employed by the department and acting within the course and scope of the employees' official duties.

(2) A person qualified under subsection (1) may enter private land to appraise or audit property for property tax purposes.

(3) (a) No later than November 30 of each year, the department shall publish in a newspaper of general circulation in each county a notice that the department may enter property for the purpose of appraising or auditing property.

(b) The published notice must indicate:

(i) that a landowner may require that the landowner or the landowner's agent be present when the person qualified in subsection (1) enters the land to appraise or audit property;

(ii) that the landowner shall notify the department in writing of the landowner's requirement that the landowner or landowner's agent be present; and

(iii) that the landowner's written notice must be mailed to the department at an address specified and be postmarked not more than 30 days following the date of publication of the notice. The department may grant a reasonable extension of time for returning the written notice.

(4) The written notice described in subsection (3)(b)(ii) must be legible and include:

(a) the landowner's full name;

(b) the mailing address and property address; and

(c) a telephone number at which an appraiser may contact the landowner during normal business hours.

(5) When the department receives a written notice as described in subsection (4), the department shall contact the landowner or the landowner's agent to establish a date and time for entering the land to appraise or audit the property.

(6) If a landowner or the landowner's agent prevents a person qualified under subsection (1) from entering land to appraise or audit property or fails or refuses to establish a date and time for entering the land pursuant to subsection (5), the department shall estimate the value of the real and personal property located on the land.

(7) A county tax appeal board and the state tax appeal board may not adjust the estimated value of the real or personal property determined under subsection (6) unless the landowner or the landowner's agent:

(a) gives permission to the department to enter the land to appraise or audit the property; or

(b) provides to the department and files with the county tax appeal board or the state tax appeal board an appraisal of the property conducted by an appraiser who is certified by the Montana board of real estate appraisers. The appraisal must be conducted in accordance with current uniform standards of professional appraisal practice established for certified real estate appraisers under 37-54-403. The appraisal must be conducted within 1 year of the reappraisal base year provided for in 15-7-103(5) and must establish a separate market value for each improvement and the land.

(8) A person qualified under subsection (1) who enters land pursuant to this section shall carry on the person identification sufficient to identify the person and the person's employer and shall present the identification upon request.

(9) The authority granted by this section does not authorize entry into improvements, personal property, or buildings or structures without the permission of the owner or the owner's agent.

(10) Vehicular access to perform appraisals and audits is limited to established roads and trails, unless approval for other vehicular access is granted by the landowner.

(11) The department shall adopt rules that are necessary to implement [sections 1 and 2]. The rules must, at a minimum, establish procedures for granting a reasonable extension of time for landowners to respond to notices from the department."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved May 9, 2003

CHAPTER NO. 594

[SB 47]

AN ACT INCREASING THE BID THRESHOLD FOR LOCAL GOVERNMENT CONSTRUCTION CONTRACTS PAID FOR WITH GASOLINE AND VEHICLE FUELS TAX REVENUE; AMENDING SECTION 15-70-101, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-70-101, MCA, is amended to read:

"15-70-101. Disposition of funds. (1) All taxes collected under this chapter must, in accordance with the provisions of 15-1-501, be placed in a highway revenue account in the state special revenue fund to the credit of the department of transportation. All interest and income earned on the account

must be deposited to the credit of the account and any unexpended balance in the account must remain in the account. Those funds allocated to cities, towns, counties, and consolidated city-county governments in this section must, in accordance with the provisions of 15-1-501, be paid by the department of transportation from the state special revenue fund to the cities, towns, counties, and consolidated city-county governments.

(2) The amount of \$16,766,000 of the taxes collected under this chapter is statutorily appropriated, as provided in 17-7-502, to the department of transportation and must be allocated each fiscal year on a monthly basis to the counties, incorporated cities and towns, and consolidated city-county governments in Montana for construction, reconstruction, maintenance, and repair of rural roads and city or town streets and alleys, as provided in subsections (2)(a) through (2)(c):

(a) The amount of \$100,000 must be designated for the purposes and functions of the Montana local technical assistance transportation program in Bozeman.

(b) The amount of \$6,306,000 must be divided among the various counties in the following manner:

(i) 40% in the ratio that the rural road mileage in each county, exclusive of the national highway system and the primary system, bears to the total rural road mileage in the state, exclusive of the national highway system and the primary system;

(ii) 40% in the ratio that the rural population in each county outside incorporated cities and towns bears to the total rural population in the state outside incorporated cities and towns;

(iii) 20% in the ratio that the land area of each county bears to the total land area of the state.

(c) The amount of \$10,360,000 must be divided among the incorporated cities and towns in the following manner:

(i) 50% of the sum in the ratio that the population within the corporate limits of the city or town bears to the total population within corporate limits of all the cities and towns in Montana;

(ii) 50% in the ratio that the city or town street and alley mileage, exclusive of the national highway system and the primary system, within corporate limits bears to the total street and alley mileage, exclusive of the national highway system and primary system, within the corporate limits of all cities and towns in Montana.

(3) (a) For the purpose of allocating the funds in subsections (2)(b) and (2)(c) to a consolidated city-county government, each entity must be considered to have separate city and county boundaries. The city limit boundaries are the last official city limit boundaries for the former city unless revised boundaries based on the location of the urban area have been approved by the department of transportation and must be used to determine city and county populations and road mileages in the following manner:

(i) Percentage factors must be calculated to determine separate populations for the city and rural county by using the last official decennial federal census population figures that recognized an incorporated city and the rural county. The factors must be based on the ratio of the city to the rural county population,

considering the total population in the county minus the population of any other incorporated city or town in the county.

(ii) The city and county populations must be calculated by multiplying the total county population, as determined by the latest official decennial census or the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census, minus the population of any other incorporated city or town in that county, by the factors established in subsection (3)(a)(i).

(b) The amount allocated by this method for the city and the county must be combined, and single monthly payments must be made to the consolidated city-county government.

(4) All funds allocated by this section to counties, cities, towns, and consolidated city-county governments must be used for the construction, reconstruction, maintenance, and repair of rural roads or city or town streets and alleys or for the share that the city, town, county, or consolidated city-county government might otherwise expend for proportionate matching of federal funds allocated for the construction of roads or streets that are part of the primary or secondary highway system or urban extensions to those systems. The governing body of a town or third-class city, as defined in 7-1-4111, may each year expend no more than 25% of the funds allocated to that town or third-class city for the purchase of capital equipment and supplies to be used for the maintenance and repair of town or third-class city streets and alleys.

(5) All funds allocated by this section to counties, cities, towns, and consolidated city-county governments must be disbursed to the lowest responsible bidder according to applicable bidding procedures ~~followed in all cases in which the contract~~ followed in all cases in which the contract for construction, reconstruction, maintenance, or repair ~~is in excess of \$4,000~~ is in excess of \$25,000.

(6) For the purposes of this section in which distribution of funds is made on a basis related to population, the population must be determined annually for counties and biennially for cities according to the latest official decennial census or the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(7) For the purposes of this section in which determination of mileage is necessary for distribution of funds, it is the responsibility of the cities, towns, counties, and consolidated city-county governments to furnish to the department of transportation a yearly certified statement indicating the total mileage within their respective areas applicable to this chapter. All mileage submitted is subject to review and approval by the department of transportation.

(8) Except by a town or third-class city as provided in subsection (4), the funds authorized by this section may not be used for the purchase of capital equipment.

(9) Funds authorized by this section must be used for construction and maintenance programs."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved May 9, 2003

CHAPTER NO. 595

[SB 57]

AN ACT DEFINING "MENTAL DISEASE OR DEFECT" FOR PURPOSES OF CRIMINAL PROCEEDINGS; AND AMENDING SECTION 46-14-101, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 46-14-101, MCA, is amended to read:

"46-14-101. Mental disease or defect — purpose — definition. (1) *The purpose of this section is to provide a legal standard of mental disease or defect under which the information gained from examination of the defendant, pursuant to part 2 of this chapter, regarding a defendant's mental condition is applied. The court shall apply this standard:*

(a) *in any determination regarding:*

(i) *a defendant's fitness to proceed and stand trial;*

(ii) *whether the defendant had, at the time that the offense was committed, a particular state of mind that is an essential element of the offense; and*

(b) *at sentencing when a defendant has been convicted on a verdict of guilty or a plea of guilty or nolo contendere and claims that at the time of commission of the offense for which the defendant was convicted, the defendant was unable to appreciate the criminality of the defendant's behavior or to conform the defendant's behavior to the requirements of the law.*

(2) (a) *As used in this chapter, "mental disease or defect" means an organic, mental, or emotional disorder that is manifested by a substantial disturbance in behavior, feeling, thinking, or judgment to such an extent that the person requires care, treatment, and rehabilitation.*

(b) ~~As used in this chapter, the~~ The term "mental disease or defect" does not include:

(i) *an abnormality manifested only by repeated criminal or other antisocial behavior;*

[(ii) *a developmental disability, as defined in 53-20-102;*]

(iii) *drug or alcohol intoxication; or*

(iv) *drug or alcohol addiction."*

Section 2. Coordination instruction. If Senate Bill No. 35 is not passed and approved, the bracketed language in [section 1 of this act] is void.

Approved May 9, 2003

CHAPTER NO. 596

[SB 130]

AN ACT PROVIDING AUTHORITY FOR AN AGREEMENT BETWEEN THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS TO COMPENSATE STATE TRUST LAND BENEFICIARIES FOR THE USE AND IMPACTS ASSOCIATED WITH HUNTING, FISHING, AND TRAPPING ON LEGALLY ACCESSIBLE STATE TRUST LANDS AS DEFINED IN DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION RULES; PROVIDING

THAT 10 PERCENT OF THE GROSS REVENUE RECEIVED AS A RESULT OF THE AGREEMENT BE DEPOSITED IN THE STATE LANDS RECREATIONAL USE ACCOUNT AND 90 PERCENT OF THE REVENUE RECEIVED BE ALLOCATED AMONG THE TRUSTS; PROVIDING THAT AN AGREEMENT BETWEEN THE DEPARTMENTS DOES NOT CONSTITUTE CONSIDERATION WITH REGARD TO THE RESTRICTION OF LIABILITY OF A LANDOWNER; INCLUDING FEES FOR HUNTING, FISHING, AND TRAPPING PURPOSES PURSUANT TO AN AGREEMENT BETWEEN THE DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION AND THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS AS ONE OF THE ACTIONS FOR WHICH THE BOARD OF LAND COMMISSIONERS SHALL CONSIDER VARIOUS IMPACTS INCLUDING MANAGEMENT EXPENSES, WATER DEVELOPMENT, WEED CONTROL, AND FIRE CONTROL; PROVIDING AN EXEMPTION TO THE REQUIREMENT FOR A RECREATIONAL USE LICENSE FOR RECREATIONAL USE OF STATE TRUST LAND FOR HUNTING, FISHING, AND TRAPPING PURPOSES IF AN AGREEMENT IS REACHED BETWEEN THE TWO DEPARTMENTS; PROVIDING AN ALLOCATION SCHEME FOR REVENUE RECEIVED AS A RESULT OF AN AGREEMENT; ADDING MAINTENANCE OF ROADS NECESSARY FOR PUBLIC RECREATIONAL USE OF STATE TRUST LAND AS A QUALIFIED USE OF FUNDS IN THE RECREATIONAL USE ACCOUNT; INCREASING THE RESIDENT AND NONRESIDENT WILDLIFE CONSERVATION LICENSE FEES BY \$2 EACH; AMENDING SECTIONS 70-16-302, 77-1-106, 77-1-801, 77-1-802, 77-1-808, AND 87-2-202, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

WHEREAS, the Department of Natural Resources and Conservation presently authorizes the public to use state school trust land through individual recreational use licenses; and

WHEREAS, the primary recreational uses of state school trust land are hunting and fishing; and

WHEREAS, the Department of Natural Resources and Conservation and the Department of Fish, Wildlife, and Parks wish to provide a more efficient system for authorizing public recreational use for hunting, fishing, and trapping on state trust land and concurrently provide greater benefit to the institutional beneficiaries of the trust; and

WHEREAS, the Department of Fish, Wildlife, and Parks has the discretionary authority in section 87-1-209, MCA, to enter into an agreement to compensate state trust land beneficiaries for the use and impacts associated with hunting, fishing, and trapping on legally accessible state trust land as defined by department of natural resources and conservation rule; and

WHEREAS, the Department of Fish, Wildlife, and Parks needs additional revenue to offset the cost of an agreement with the Department of Natural Resources and Conservation to compensate state trust land beneficiaries for the use and impacts associated with hunting, fishing, and trapping on legally accessible state trust land; and

WHEREAS, the Department of Natural Resources and Conservation and the Department of Fish, Wildlife, and Parks have reached an agreement that, given the legislative authority, they intend to enter into an agreement for the recreational use of school trust land parcels for hunting, fishing, and trapping purposes.

Be it enacted by the Legislature of the State of Montana:

Section 1. Recreational use agreement for hunting, fishing, and trapping on legally accessible state trust land. (1) The board is authorized to enter into an agreement with the department of fish, wildlife, and parks to compensate state trust land beneficiaries for the use and impacts associated with hunting, fishing, and trapping on legally accessible state trust land as defined in department rule. The department may impose restrictions it considers necessary to coordinate the uses of state trust land or to preserve the purposes of the various trust lands. Hunting, fishing, and trapping on state trust land must be conducted in accordance with rules and provisions provided in this part.

(2) An agreement may be issued to the department of fish, wildlife, and parks for a term of up to 10 years. Through this agreement, the board shall recover for the beneficiaries of the trust the full market value for the use and impacts associated with hunting, fishing, and trapping on legally accessible state trust land. Ten percent of the gross receipts from the agreement must be deposited in the state lands recreational use account established in 77-1-808. The remaining 90% must be apportioned on a pro rata basis to the land trusts, in proportion to the respective trust's percentage of acreage in the total acreage of all state land trusts.

(3) Any agreement entered into is subject to the following conditions:

(a) The department maintains sole discretion, throughout the term of the agreement, with regard to identifying legally accessible parcels, coordinating uses on state trust land, and any other necessary state trust land management decisions.

(b) An agreement between the department and the department of fish, wildlife, and parks may not convey any additional authority to the department of fish, wildlife, and parks.

(4) During any period that the department of fish, wildlife, and parks and the department have reached an agreement as provided in subsection (1), an individual recreational use license under 77-1-801 or 77-1-802 may not be required for a member of the public to hunt, fish, or trap upon legally accessible state trust land.

Section 2. Section 70-16-302, MCA, is amended to read:

"70-16-302. Restriction on liability of landowner. (1) A person who uses property, including property owned or leased by a public entity, for recreational purposes, with or without permission, does so without any assurance from the landowner that the property is safe for any purpose if the person does not give a valuable consideration to the landowner in exchange for the recreational use of the property. The landowner owes the person no duty of care with respect to the condition of the property, except that the landowner is liable to the person for any injury to person or property for an act or omission that constitutes willful or wanton misconduct. For purposes of this section, valuable consideration does not include the state land recreational use license fee imposed under 77-1-802 or other funds provided under [section 1].

(2) As used in this part, "landowner" means a person or entity of any nature, whether private, governmental, or quasi-governmental, and includes the landowner's agent, tenant, lessee, occupant, grantee of conservation easement, water users' association, irrigation district, drainage district, and persons or

entities in control of the property or with an agreement to use or occupy property.

(3) As used in this part, "property" means land, roads, water, watercourses, and private ways. The term includes any improvements, buildings, structures, machinery, and equipment on property.

(4) The department of fish, wildlife, and parks, when operating under an agreement with a landowner or tenant to provide recreational snowmobiling opportunities, including but not limited to a snowmobile area, subject to the provisions of subsection (1), on the landowner's property and when not also acting as a snowmobile area operator on the property, does not extend any assurance that the property is safe for any purpose, and the department, the landowner, or the landowner's tenant may not be liable to any person for any injury to person or property resulting from any act or omission of the department unless the act or omission constitutes willful or wanton misconduct."

Section 3. Section 77-1-106, MCA, is amended to read:

"77-1-106. Setting of rates or fees — rules. (1) In setting the lease rental rates, *agreement rates*, or fees for the use of state lands and cabin sites, the board shall consider the impact of the uses on the school trust asset, lessee expenses for management, water development, weed control, fire control, the term of the lease, the production capabilities, the conditions on the lease payment, and any other required expenses reasonably borne by the lessee. In setting cabin site lease rates, the board shall consider expenses that are commonly incurred by the lessees to preserve the value of the state land or to provide services commonly provided by private lessors in the area.

(2) All lease rental rates, *agreement rates*, and fees established by the board under 77-1-208, 77-1-802, [section 1], 77-6-202, 77-6-501, 77-6-502, and 77-6-507 must consider the trust asset and be in the best interests of the state with regard to the long-term productivity of the school trust lands, while optimizing the return to the school trust.

(3) The board shall comply with Title 2, chapter 4, part 3, in setting rental rates, *agreement rates*, and license fees pursuant to 77-1-208, 77-1-802, [section 1], 77-6-202, 77-6-501, 77-6-502, and 77-6-507."

Section 4. Section 77-1-801, MCA, is amended to read:

"77-1-801. Recreational use license required to use state lands for general recreational purposes — penalty — exemption. (1) ~~Except as provided in subsection (3), a~~ person 12 years of age or older shall obtain an annual recreational use license pursuant to 77-1-802 to use state lands, as defined in 77-1-101, for general recreational purposes.

(2) ~~Except as provided in subsection (3), a~~ person shall, upon the request of a peace officer or fish and game warden, present for inspection ~~his~~ the person's recreational use license.

(3) *If the department and the department of fish, wildlife, and parks consent to and sign an agreement for hunting, fishing, and trapping purposes, as provided in [section 1], a person is not required to obtain a recreational use license for use of legally accessible state trust land for hunting, fishing, and trapping purposes.*

~~(3)~~(4) A violator of subsection (1) or (2) is guilty of a misdemeanor and shall be fined not less than \$50 or more than \$500, imprisoned in the county jail for not more than 6 months, or both."

Section 5. Section 77-1-802, MCA, is amended to read:

"77-1-802. Recreational use license — fee. (1) The fee for a recreational use license on state trust land must attain full market value ~~whether the license is sold on an individual basis or on a group basis through an agreement with the department of fish, wildlife, and parks as provided in [section 1].~~

(2) ~~Money~~ Money received by the department from the sale of recreational use licenses must be credited as follows:

(a) Except as provided in subsection (2)(b), license fees must be apportioned on a pro rata basis to the land trusts, in proportion to the respective trust's percentage contribution to of acreage in the total acreage of all state land trusts.

(b) Two dollars from the fee for each license, less 50 cents to be returned to the license dealer as a commission, must be deposited in the state lands recreational use account established by 77-1-808.

(3) ~~The~~ The department may contract with the department of fish, wildlife, and parks for the distribution and sale of recreational use licenses through the license agents appointed by and the administrative offices of the department of fish, wildlife, and parks and in accordance with the provisions of Title 87, chapter 2, part 9."

Section 6. Section 77-1-808, MCA, is amended to read:

"77-1-808. State lands recreational use account. (1) There is a state lands recreational use account in the state special revenue fund provided for in 17-2-102.

(2) There must be deposited in the account:

(a) all revenue received from the recreational use license established by 77-1-802; ~~and~~

(b) 10% of the revenue received as a result of an agreement with the department of fish, wildlife, and parks for the use and impacts of hunting, fishing, and trapping as provided in [section 1]; and

~~(b)~~(c) money received by the department in the form of legislative appropriations, reimbursements, gifts, federal funds, or appropriations from any source intended to be used for the purposes of this account.

(3) Money deposited in the state lands recreational use account must be used by the department for the following purposes:

(a) compensation pursuant to 77-1-809 for damage to the improvements of leases that has been proved to be caused by recreational users;

(b) assistance in weed control management necessary as a result of recreational use of state lands;

(c) protection of the resource value of the trust assets; ~~and~~

(d) administration and management for the implementation of recreational use of state lands; ~~and~~

(e) maintenance of roads necessary for public recreational use of state trust land."

Section 7. Section 87-2-202, MCA, is amended to read:

“87-2-202. (Temporary) Application — fee — expiration. (1) A wildlife conservation license must be sold upon written application. The application must contain the applicant's name, age, [social security number,] occupation, street address of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana, and status as a citizen of the United States or as an alien and must be signed by the applicant. The applicant shall present a valid Montana driver's license, a Montana driver's examiner's identification card, or other identification specified by the department to substantiate the required information when applying for a wildlife conservation license. It is the applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase a wildlife conservation license. It is unlawful and a misdemeanor for a license agent to sell a wildlife conservation license to an applicant who fails to produce the required identification at the time of application for licensure.

(2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be recorded according to rules that the department may prescribe.

(3) (a) Resident wildlife conservation licenses may be purchased for a fee of ~~\$4~~ \$6.

(b) Nonresident wildlife conservation licenses may be purchased for a fee of ~~\$7~~ \$9.

(c) In addition to the fee in subsection (3)(a), the first time in any license year that a resident uses the wildlife conservation license as a prerequisite to purchase a hunting license, an additional hunting access enhancement fee of \$2 is assessed. The additional fee may be used by the department only to encourage enhanced hunting access through the hunter management and hunting access enhancement programs established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when the hunting access enhancement fee is paid. The resident hunting access enhancement fee is chargeable only once during any license year.

(d) In addition to the fee in subsection (3)(b), the first time in any license year that a nonresident uses the wildlife conservation license as a prerequisite to purchase a hunting license, except a variably priced outfitter-sponsored Class B-10 or Class B-11 license issued under 87-1-268, an additional hunting access enhancement fee of \$10 is assessed. The additional fee may be used by the department only to encourage enhanced hunting access through the hunter management and hunting access enhancement programs established in 87-1-265 through 87-1-267. The wildlife conservation license must be marked appropriately when the hunting access enhancement fee is paid. The nonresident hunting access enhancement fee is chargeable only once during any license year.

(4) Licenses issued are void after the last day of February next succeeding their issuance.

[(5) The department shall keep the applicant's social security number confidential, except that the number may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.]

(6) The department shall delete the applicant's social security number in any electronic database [5 years after the date that application is made for the most recent license]. (Terminates March 1, 2006—sec. 9, Ch. 216, L. 2001;

bracketed language terminates or is amended on occurrence of contingency—sec. 3, Ch. 321, L. 2001.)

87-2-202. (Effective March 1, 2006) Application — fee — expiration.

(1) A wildlife conservation license must be sold upon written application. The application must contain the applicant's name, age, [social security number,] occupation, street address of permanent residence, mailing address, qualifying length of time as a resident in the state of Montana, and status as a citizen of the United States or as an alien and must be signed by the applicant. The applicant shall present a valid Montana driver's license, a Montana driver's examiner's identification card, or other identification specified by the department to substantiate the required information when applying for a wildlife conservation license. It is the applicant's burden to provide documentation establishing the applicant's identity and qualifications to purchase a wildlife conservation license. It is unlawful and a misdemeanor for a license agent to sell a wildlife conservation license to an applicant who fails to produce the required identification at the time of application for licensure.

(2) Hunting, fishing, or trapping licenses issued in a form determined by the department must be recorded according to rules that the department may prescribe.

(3) (a) Resident wildlife conservation licenses may be purchased for a fee of ~~\$4~~ \$6.

(b) Nonresident wildlife conservation licenses may be purchased for a fee of ~~\$7~~ \$9.

(4) Licenses issued are void after the last day of February next succeeding their issuance.

[(5) The department shall keep the applicant's social security number confidential, except that the number may be provided to the department of public health and human services for use in administering Title IV-D of the Social Security Act.]

(6) The department shall delete the applicant's social security number in any electronic database [5 years after the date that application is made for the most recent license]. (Bracketed language terminates or is amended on occurrence of contingency—sec. 3, Ch. 321, L. 2001.)"

Section 8. Contingent voidness. (1) If the department of natural resources and conservation and the department of fish, wildlife, and parks do not sign an agreement to compensate state trust land beneficiaries for the use and impacts associated with hunting, fishing, and trapping on state trust land by [the effective date of this act], then [this act] is void. The department of natural resources and conservation shall notify the code commissioner of the failure to reach an agreement.

(2) (a) If an agreement between the department of natural resources and conservation and the department of fish, wildlife, and parks to compensate state trust land beneficiaries for the use and impacts associated with hunting, fishing, and trapping on state trust land is terminated prior to the expiration date of the agreement, then [this act] is void upon termination. The department of natural resources and conservation shall notify the code commissioner of the termination.

(b) If the department of natural resources and conservation and the department of fish, wildlife, and parks do not enter into a renewal agreement prior to the expiration date of an agreement, then [this act] is void on the

expiration date of the agreement. The department of natural resources and conservation shall notify the code commissioner of the expiration.

(3) If a court of competent jurisdiction determines that the agreement to compensate state trust land beneficiaries for the use and impacts associated with hunting, fishing, and trapping on state trust lands is invalid, then [this act] is void on the date the court's judgment is final. The department of natural resources and conservation shall notify the code commissioner of the entry of the judgment.

(4) If the department of natural resources and conservation and the department of fish, wildlife, and parks receive written notice from the regional director of the United States fish and wildlife service that [this act] will result in a loss of federal fish and wildlife funds, then [this act] is void. The department of natural resources and conservation shall notify the code commissioner that the department has received a notice and the date upon which the notice was received.

Section 9. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 77, chapter 1, part 8, and the provisions of Title 77, chapter 1, part 8, apply to [section 1].

Section 10. Coordination instruction. If Senate Bill No. 112 and [this act] are both passed and approved and if Senate Bill No. 112 includes an amendment to 87-2-202 that increases resident and nonresident wildlife conservation license fees by adding a search and rescue surcharge, then the resident and nonresident wildlife conservation license fees in 87-2-202(3)(a) and (3)(b) of [this act] are increased by the amount of that surcharge.

Section 11. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 12. Effective date. [This act] is effective March 1, 2004.

Approved May 9, 2003

CHAPTER NO. 597

[SB 271]

AN ACT REQUIRING THAT THE PROCESS ORIENTED INTEGRATED SYSTEM (POINTS) COMPUTER SYSTEM OF THE DEPARTMENT OF REVENUE TO BE REPLACED WITH A DIFFERENT COMPUTER SYSTEM; REQUIRING THAT CURRENT DATA NEEDED FOR THE REPLACEMENT SYSTEM BE CORRECTED; PROVIDING THAT UNEMPLOYMENT INSURANCE TAX COLLECTIONS WILL NOT BE PROCESSED UNDER THE REPLACEMENT SYSTEM BY TERMINATING THE DELEGATION TO THE DEPARTMENT OF REVENUE OF RESPONSIBILITY FOR COLLECTING UNEMPLOYMENT INSURANCE TAXES FOR THE DEPARTMENT OF LABOR AND INDUSTRY; INCREASING THE DEBT LIMIT UNDER THE MUNICIPAL FINANCE CONSOLIDATION ACT; AUTHORIZING A LOAN TO THE DEPARTMENT OF REVENUE FOR THE REPLACEMENT SYSTEM; REQUIRING THE DEPARTMENT OF REVENUE TO IMPOSE AN ADMINISTRATIVE CHARGE FOR TAX COLLECTION SERVICES; REQUIRING THE ADMINISTRATIVE CHARGE

TO BE DEPOSITED IN AN ACCOUNT TO BE USED TO PAY THE DEBT SERVICE ON LOANS ISSUED FOR THE REPLACEMENT SYSTEM; APPROPRIATING MONEY FOR DEPARTMENT OF REVENUE'S TRANSITION COSTS AND FOR LOAN REPAYMENT; AMENDING SECTIONS 15-1-501, 17-5-1608, 17-5-2001, 39-51-301, 39-51-1109, 39-51-1301, AND 39-51-2402, MCA; AND PROVIDING EFFECTIVE DATES AND TERMINATION DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Department of revenue POINTS computer system replacement. (1) The department of revenue, in conjunction with the chief information officer and the department of administration, shall replace the process oriented integrated system (POINTS) computer system. Unemployment insurance collections must be transferred to the department of labor and industry by February 1, 2005. Subject to department of revenue requirements, the replacement system must be phased in to process all other department tax and debt collection functions. Functioning portions of POINTS may continue to be used for departmental processing requirements until the replacement system becomes operational for those processes.

(2) The department of revenue, in conjunction with the chief information officer and the department of labor and industry, shall plan replacement system requirements and, prior to February 1, 2005, have in operation a base component and at least one tax processing component of the replacement system.

(3) None of the departments or agencies involved in the POINTS computer system replacement may expend any funds authorized for the replacement system by the 58th legislature after June 30, 2005, without obtaining spending authority from the 59th legislature.

(4) The chief information officer, in consultation with the director of the department of revenue and the commissioner of labor and industry, shall require that current withholding, combined oil and gas, and unemployment insurance data determined necessary for the replacement system be corrected. The correction must be verified through an independent audit conducted either directly or under contract by the legislative auditor.

Section 2. Section 15-1-501, MCA, is amended to read:

"15-1-501. Disposition of money from certain designated license and other taxes. (1) ~~The~~ *Except as provided in subsection (5), the* state treasurer shall deposit to the credit of the state general fund in accordance with the provisions of subsection (3) all money received from the collection of:

- (a) income taxes, interest, and penalties collected under chapter 30;
- (b) all taxes, interest, and penalties collected under chapter 31;
- (c) oil and natural gas production taxes distributed to the general fund under 15-36-324;
- (d) electrical energy producer's license taxes under chapter 51;
- (e) the retail telecommunications excise tax collected under Title 15, chapter 53, part 1;
- (f) liquor license taxes under Title 16;
- (g) fees from driver's licenses, motorcycle endorsements, and duplicate driver's licenses as provided in 61-5-121;

(h) estate taxes under Title 72, chapter 16; and

(i) fees based on the value of currency on deposit and tangible personal property held for safekeeping by a foreign capital depository as provided in 15-31-803.

(2) The department shall also deposit to the credit of the state general fund all money received from the collection of license taxes and all net revenue and receipts from all sources, other than certain fees, under the operation of the Montana Alcoholic Beverage Code.

(3) Notwithstanding any other provision of law, the distribution of tax revenue must be made according to the provisions of the law governing allocation of the tax that were in effect for the period in which the tax revenue was recorded for accounting purposes. Tax revenue must be recorded as prescribed by the department of administration, pursuant to 17-1-102(2) and (4), in accordance with generally accepted accounting principles.

(4) All refunds of taxes must be attributed to the funds in which the taxes are currently being recorded. All refunds of interest and penalties must be attributed to the funds in which the interest and penalties are currently being recorded.

(5) *The administrative assessment provided for in [section 5] must be deposited in an account in the state special revenue fund to the credit of the department."*

Section 3. Section 17-5-1608, MCA, is amended to read:

"17-5-1608. (Temporary) Limitations on amounts. The board may not issue any bonds or notes that cause the total outstanding indebtedness of the board under this part, except for bonds or notes issued to fund or refund other outstanding bonds or notes or to purchase registered warrants or tax or revenue anticipation notes of a local government as defined in 7-6-1101, to exceed ~~\$80~~ \$120 million. (Terminates June 30, 2011—sec. 9, Ch. 394, L. 2001.)

17-5-1608. (Effective July 1, 2011) Limitations on amounts. The board may not issue any bonds or notes that cause the total outstanding indebtedness of the board under this part, ~~except for bonds or notes issued to fund or refund other outstanding bonds or notes or to purchase registered warrants or tax or revenue anticipation notes of a local government as defined in 7-6-1101~~, to exceed ~~\$75~~ \$120 million."

Section 4. Section 17-5-2001, MCA, is amended to read:

"17-5-2001. (Temporary) Loans to state agencies. (1) An agency responsible for the procurement and provision of vehicles, automated systems, and equipment using an enterprise fund or an internal service fund, as described in 17-2-102, is authorized to enter into contracts, loan agreements, or other forms of indebtedness payable over a term not to exceed 7 years for the purpose of financing the cost of the vehicles and equipment and to pledge to the repayment of the indebtedness the revenue of the enterprise fund or internal service fund if:

(a) the term of the indebtedness does not exceed the useful life of the items being financed; and

(b) at the time that the indebtedness is incurred, the projected revenue of the fund, based on the fees and charges approved by the legislature and other available fund revenue, will be sufficient to repay the indebtedness over the proposed term and to maintain the operation of the enterprise.

(2) (a) The department of justice is authorized to enter into contracts, loan agreements, or other forms of indebtedness with the board of investments for an amount not to exceed \$4.5 million, payable over a term not to exceed 10 years, for financing the cost of an information technology system for the production and maintenance of motor vehicle title and registration records and driver's license records.

(b) For purposes of the financing of the motor vehicle information technology system, loans are payable from the money in the motor vehicle information technology system account as provided in 61-3-550. The term of the indebtedness may not exceed the useful life of the items being financed. At the time that the loan is made, the projected revenue of the motor vehicle information technology system account, based upon the fees approved by the legislature, must be sufficient to repay the indebtedness over the proposed term.

(3) (a) The department of justice is authorized to enter into contracts, loan agreements, or other forms of indebtedness with the board of investments for an amount not to exceed \$1,120,000, payable over a term not to exceed 7 years, for the acquisition of video gambling automated accounting and reporting system data collection units.

(b) The loan is payable from the department of justice's annual appropriation from the general fund.

(c) The term of the indebtedness may not exceed the useful life of the items being financed. At the time that the loan is made, the department of justice's base budget appropriation from the general fund must be sufficient to repay the indebtedness with respect to the video gambling data collection units over the proposed term of the loan.

(d) The loan is subject to the risk of nonappropriation.

(4) (a) *If bonds are not issued for the project authorized in [section 1], the department of revenue is authorized to enter into contracts, loan agreements, or other forms of indebtedness with the board of investments for an amount not to exceed \$17 million, payable over a term not to exceed 7 years, for the acquisition of a replacement system for the process oriented integrated system (POINTS) computer system.*

(b) *The loan is payable from the department of revenue's appropriation from the administrative assessment provided for in [section 5].*

(c) *The term of the indebtedness may not exceed the useful life of the items being financed. At the time that the loan is made, the projected revenue from the administrative assessment provided for in [section 5] must be sufficient to repay the indebtedness with respect to the replacement system over the proposed term of the loan.*

(d) *The loan is subject to the risk of nonappropriation.* (Terminates June 30, 2011—sec. 9, Ch. 394, L. 2001.)

17-5-2001. (Effective July 1, 2011) Loans to state agencies. An agency responsible for the procurement and provision of vehicles and equipment using an enterprise fund or an internal service fund, as described in 17-2-102, is authorized to enter into contracts, loan agreements, or other forms of indebtedness payable over a term not to exceed 7 years for the purpose of financing the cost of the vehicles and equipment and to pledge to the repayment of the indebtedness the revenue of the enterprise fund or internal service fund if:

(1) the term of the indebtedness does not exceed the useful life of the items being financed; and

(2) at the time that the indebtedness is incurred, the projected revenue of the fund, based on the fees and charges approved by the legislature and other available fund revenue, will be sufficient to repay the indebtedness over the proposed term and to maintain the operation of the enterprise.”

Section 5. Administrative assessment. (1) The department shall establish a fee of up to 0.45% of selected taxes collected by the department in order to recover costs and expenses associated with the POINTS replacement system described in [section 1]. The fee must be set annually to provide revenue equal to the debt service on the bonds authorized in 17-5-1608 or the projected principal and interest payments on the loan provided for in 17-5-2001.

(2) The department shall deposit the fee in an account in the state special revenue fund to the credit of the department.

(3) The department may adopt rules for identifying which taxes the administrative fee applies to and establishing the rate of the fee.

Section 6. Section 39-51-301, MCA, is amended to read:

“39-51-301. Administration — duties and powers of department. (1) It is the duty of the department to administer this chapter and it may adopt, amend, or rescind rules; to employ persons, make expenditures, require reports, make investigations, and take action as it considers necessary or suitable in administering this chapter.

(2) The department shall determine its own organization and methods of procedure in accordance with the provisions of this chapter and ~~shall~~ must have an official seal, which is judicially noticed.

(3) Whenever the department believes that a change in contribution or benefit rates will become necessary to protect the solvency of the fund, it shall promptly inform the governor and the legislature and make recommendations with respect to the change.

(4) The department and the board may issue subpoenas and compel testimony and the production of evidence, including books and records, in regard to any investigation or proceeding under this chapter.

(5) ~~The department shall delegate to the department of revenue may delegate to the department of revenue all duties associated with the administration of unemployment insurance contributions and the employment security account. so long as the~~ The duties ~~are~~ must be carried out in conformity with the requirements of the program budget plan with the United States department of labor. ~~The department of revenue must receive funds from the department for the performance of the delegated duties. The department of revenue has rulemaking authority with respect to any function or duty delegated to the department of revenue pursuant to this section. The delegated duties do not include oversight duties such as revenue quality control, risk management, and trust fund management. The department of revenue must receive funds from the department for the performance of the delegated duties. The department of revenue has rulemaking authority with respect to any function or duty delegated to the department of revenue pursuant to this section.~~

(6) The department may revoke its delegation to the department of revenue at any time.

~~(6)~~(7) Employees transferring from the department of revenue to the department of revenue as a result of a *the termination of the* delegation of duties in subsection (5) are entitled to all rights, including those under 2-15-131, possessed as a state officer or employee before transferring, including rights to tenure in office and of rank or grade, rights to vacation and sick pay and leave, rights under any retirement or personnel plan or labor union contract, rights to compensatory time earned, and any other rights under any law or administrative policy including the State Employee Protection Act. Employees transferring must be considered internal applicants by the department for recruitment purposes for ~~the period from July 1, 1997, through June 30, 1998~~ 1 year from the date of the termination of the delegation of duties in subsection (5).

~~(7)~~(8) The department of revenue shall succeed the department of revenue in its rights to property relating to the *termination of the* delegation of duties in subsection (5) to the extent that is consistent with federal property transfer policy. The property includes real property, records, office equipment, forms, supplies, and contracts other than the program budget plan with the United States department of labor.

~~(8)~~(9) (a) The *termination of the* delegation of duties in subsection (5) does not affect the validity of any pending judicial or administrative proceeding.

~~(b) Appeals that were filed with the board of labor appeals or the department's hearings bureau before July 1, 1997, must follow the procedures and processes in effect when the appeal was first taken. An appeal that is filed on or after July 1, 1997, must be taken in accordance with the procedures and processes in effect on the date the appeal is filed.~~

~~(b)~~ All appeals that have not been heard prior to the termination of the delegation of duties in subsection (5) must be made in accordance with the procedures identified in 39-51-1109.

~~(c)~~ The department of revenue must be substituted for the department of revenue and succeed to all audits, determinations, and other actions ~~that have not been appealed to the board of labor appeals or the department's hearings bureau prior to following July 1, 1997~~ the date of the termination of the delegation of duties in subsection (5).

~~(9)~~(10) The rights, privileges, and duties of the holders of bonds and other obligations issued and of the parties to contracts, leases, indentures, and other transactions entered into before the *termination of the* delegation of duties in subsection (5) remain in effect, and none of those rights, privileges, duties, covenants, or agreements are impaired or diminished by reason of the delegation of duties. The department of revenue is substituted for the department of revenue and, subject to the provisions of subsection (5), succeeds to the rights and duties under the provisions of those bonds, contracts, leases, indentures, and other transactions. The provisions of this subsection ~~(9)~~(10) do not apply to the program budget plan agreement between the department and the United States department of labor."

Section 7. Section 39-51-1109, MCA, is amended to read:

"39-51-1109. Tax appeals — procedure. ~~(1)~~(1) A decision, determination, or redetermination of the department involving *contribution liability, contribution rate, application for a refund*, an employer-employee relationship, or the charging of benefit payments to employers is final unless an interested party entitled to notification submits a written appeal of the decision,

determination, or redetermination. The appeal must be made in the same manner as provided in 39-71-415.

~~(2) A decision, determination, or redetermination involving contribution liability, contribution rate, application for refund, subject wages, or other tax-related issues must be issued by the department of revenue as provided in Title 15, chapter 1, part 2, and 15-30-257, if applicable. The decision is final unless an interested party entitled to notification follows the uniform dispute review procedures as prescribed in 15-1-211 and 15-30-257, if applicable.~~

(2) A decision, determination, or redetermination involving contribution liability, contribution rate, application for refund, subject wages, or other tax-related issues must be issued by the department of revenue as provided in Title 15, chapter 1, part 2, and 15-30-257, if applicable. The decision is final unless an interested party entitled to notification follows the uniform dispute review procedures as prescribed in 15-1-211 and 15-30-257, if applicable.

Section 8. Section 39-51-1109, MCA, is amended to read:

“39-51-1109. Tax appeals — procedure. (1) A decision, determination, or redetermination of the department involving an employer-employee relationship or the charging of benefit payments to employers is final unless an interested party entitled to notification submits a written appeal of the decision, determination, or redetermination. The appeal must be made in the same manner as provided in 39-71-415.

~~(2) A decision, determination, or redetermination involving contribution liability, contribution rate, application for refund, subject wages, or other tax-related contribution-related issues must be issued by the department of revenue as provided in Title 15, chapter 1, part 2, and 15-30-257, if applicable. The decision and is final unless an interested party entitled to notification follows the uniform dispute review procedures as prescribed in 15-1-211 and 15-30-257, if applicable~~ submits a written appeal of the decision, determination, or redetermination. An appeal must be made in the same manner as provided in 39-51-2402 for the appeal of a decision relating to a claim for unemployment insurance benefits. Statutory rules of evidence and civil procedure do not apply to a hearing on the appeal. A hearing may be conducted by telephone or by video conference. The decision of the appeals referee and any subsequent appeal must be made in the same manner as provided in 39-51-2403 through 39-51-2410.”

Section 9. Section 39-51-1301, MCA, is amended to read:

“39-51-1301. Penalty and interest on past-due reports and taxes. (1) Failure to file reports and payments in a timely manner, as required under 39-51-603, 39-51-1103, and 39-51-1125, may subject an employer to penalty and interest, as provided by 15-1-216.

(2) There is an account in the federal special revenue fund. Penalties and interest collected for unemployment insurance obligations ~~are distributed as provided in 15-30-250 and~~ must be deposited in that account. Money deposited in that account and appropriated to the department or transferred by the department to its delegate, pursuant to 39-51-301(5), may only be used by the department or its delegate to administer this chapter, including the detection and collection of unpaid taxes and overpayments of benefits to the extent that federal grant revenue is less than amounts appropriated for this purpose. Money in the account not appropriated for these purposes must be transferred by the department to the unemployment insurance trust fund at the end of each fiscal year.

(3) All money accruing to the unemployment insurance trust fund from interest and penalties collected on past-due unemployment insurance taxes must be used solely for the payment of unemployment insurance benefits and may not be used for any other purpose.”

Section 10. Section 39-51-2402, MCA, is amended to read:

“39-51-2402. Initial determination — redetermination. (1) A representative designated by the department and referred to as a deputy shall promptly examine the claim and, on the basis of the facts the deputy has found, the deputy shall determine whether or not the claim is valid. If the claim is valid, the deputy will determine the week the benefits commence, the weekly benefit amount payable, and the maximum benefit amount. The deputy may refer the claim or any question involved in the claim to an appeals referee who shall make the decision on the claim in accordance with the procedure prescribed in 39-51-2403. With respect to a determination, redetermination, or appeal by a claimant involving wages, the issue must be resolved in accordance with procedures for unemployment insurance benefit claimant appeals, as prescribed in 15-2-302 and 15-30-257 *during the time that the department delegated the duties associated with the administration of unemployment insurance contributions to the department of revenue pursuant to 39-51-301.* The deputy shall promptly notify the claimant and any other interested party of the decision and the reasons for reaching the decision.

(2) The deputy may for good cause reconsider the decision and shall promptly notify the claimant and other interested parties of the amended decision and the reasons for the decision.

(3) A determination or redetermination of an initial or additional claim may not be made under this section unless 5 days' notice of the time and place of the claimant's interview for examination of the claim is mailed to each interested party.

(4) A determination or redetermination is final unless an interested party entitled to notice of the decision applies for reconsideration of the determination or appeals the decision within 10 days after the notification was mailed to the interested party's last-known address. The 10-day period may be extended for good cause.

(5) Except as provided in subsection (6), a redetermination of a claim for benefits may not be made after 2 years from the date of the initial determination.

(6) A redetermination may be made within 3 years from the date of the initial determination of a claim if the initial determination was based on a false claim, misrepresentation, or failure to disclose a material fact by the claimant or the employer.”

Section 11. Deposit of loan proceeds — capital projects appropriation. (1) The proceeds of any loan from the board of investments to the department of revenue for replacement of the POINTS computer system must be deposited in the capital projects fund.

(2) There is appropriated from the capital projects fund to the department of administration up to \$17 million for the replacement system described in [section 1].

(3) The department of revenue and the department of administration are prohibited from using any of the proceeds from the loan for the replacement system authorized by [section 1] for agency current level operating expenses.

Loan proceeds appropriated under this section may be expended for project administration and implementation, including software and required hardware, software licensing, and extraordinary personal and contracted services.

(4) The appropriation continues until June 30, 2005.

Section 12. Appropriation. (1) There is appropriated from the general fund to the department of revenue \$2,391,385 for the biennium ending June 30, 2005. This appropriation is to provide for the replacement of POINTS and the transfer of responsibility for unemployment insurance collections to the department of labor and industry. The department of revenue may use the appropriated funds for expenses necessary to ensure the smooth transition of existing POINTS data and systems to the replacement systems, including expenses for training, personal and contracted services, data and software cleanup, clearing backlog, correcting and realigning tax and collection data, preparing and executing conversion strategies, maintaining currency, and converting historic data.

(2) There is appropriated \$1.9 million from the state special revenue account for administrative assessments provided for in [section 5] to the department of revenue for the biennium ending June 30, 2005, for the payment of debt service on the bonds authorized in 17-5-1608 or the projected principal and interest payments on the loan provided for in 17-5-2001.

Section 13. Codification instruction. [Sections 1 and 5] are intended to be codified as an integral part of Title 15, chapter 1, part 1, and the provisions of Title 15, chapter 1, part 1, apply to [sections 1 and 5].

Section 14. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 15. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 16. Effective dates — contingency. (1) Except as provided in subsections (2) and (3), [this act] is effective on passage and approval.

(2) [Sections 8 through 10] are effective on the date that the commissioner of labor and industry certifies to the governor that the delegation of duties in 39-51-301 is terminated.

(3) [Sections 2, 5, and 12] are effective July 1, 2003.

Section 17. Contingent termination. (1) [Section 7] terminates on the date that the commissioner of labor and industry certifies to the governor that the delegation of duties in 39-51-301 is terminated.

(2) The commissioner of labor and industry shall transmit a copy of the certification of the termination of duties to the code commissioner.

Section 18. Termination. [Sections 1, 4, and 5] terminate June 30, 2011.

Approved May 9, 2003

CHAPTER NO. 598

[SB 304]

AN ACT DIRECTING A COMMITTEE TO STUDY THE ROLE OF THE STATE COMPENSATION INSURANCE FUND AND TO DETERMINE IF IT IS COST-EFFECTIVE AND IN THE BEST INTEREST OF THE STATE, MONTANA EMPLOYEES, AND MONTANA EMPLOYERS TO SELL ALL OR A PORTION OF THE STATE COMPENSATION INSURANCE FUND ASSETS AND LIABILITIES AND TO STUDY THE CREATION OF AN ASSIGNED RISK POOL; PROVIDING FOR A REPORT TO THE 59TH LEGISLATURE; REQUIRING LEGISLATIVE APPROVAL OF A SALE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Study committee. (1) There is a committee to study the role and the sale of the state compensation insurance fund and the creation of an assigned risk pool as provided in [section 2]. The committee consists of:

- (a) two members of the house of representatives appointed by the speaker, one from each party;
- (b) two members of the senate appointed by the president, one from each party;
- (c) a representative of the state auditor's office, appointed by the state auditor;
- (d) a representative of the governor's office, appointed by the governor;
- (e) an insured employer of the state fund who is also a member of the state fund board, appointed by the governor;
- (f) a representative of a plan No. 2 insurer, appointed by the governor; and
- (g) a representative of plan No. 1, appointed by the governor.

(2) The members of the committee, other than the legislator members, shall serve for no compensation but are entitled to reimbursement for travel, meals, and lodging as provided in Title 2, chapter 18, part 5. The legislator members are entitled to compensation and expenses as provided in 5-2-302.

(3) The costs of the committee and the expenses are the responsibility of the state compensation insurance fund, not to exceed \$100,000. The state fund is responsible for providing support functions to the committee and shall provide the support functions under the direction of the committee.

Section 2. Study of role and possible sale of state compensation insurance fund — separate determinations — submission of legislation — legislative approval. (1) Subject to Article VIII, section 13, of the Montana constitution, the committee established in [section 1] shall study the role of the state compensation insurance fund and shall determine if it is cost-effective and in the best interest of the state, Montana employees, and Montana employers to sell all or a portion of the state compensation insurance fund assets and liabilities and to create an assigned risk pool.

(2) The committee shall make separate determinations concerning the role of the state compensation insurance fund and the sale of the assets and liabilities for the portion of the state compensation insurance fund related to claims for injuries resulting from accidents that occurred before July 1, 1990,

and claims for injuries resulting from accidents that occur on or after July 1, 1990, and concerning the creation of an assigned risk pool.

(3) The committee may use the expertise of all executive branch agencies and personnel and any consultants determined to be necessary in making the determinations required by subsections (1) and (2).

(4) The committee shall report to the 59th legislature on the determinations made pursuant to this section. As a part of the report, the committee shall prepare any necessary legislation to implement a recommended sale. A sale of the assets and liabilities of the state compensation insurance fund may not be made unless the sale is approved by the 59th legislature.

Section 3. Effective date. [This act] is effective on passage and approval.

Approved May 9, 2003

CHAPTER NO. 599

[SB 326]

AN ACT GENERALLY REVISING THE LAWS RELATED TO GROWTH POLICIES AND PLANNING BOARDS; REVISING THE DEFINITION OF "GROWTH POLICY"; ELIMINATING THE DEFINITION OF A TERM THAT IS NOT USED IN THE GROWTH POLICY LAWS; REQUIRING THE GOVERNING BODY TO ASSIGN STAFF TO THE PLANNING BOARD AND ELIMINATING THE AUTHORITY OF THE PLANNING BOARD TO APPOINT STAFF; CLARIFYING THAT PREPARATION AND ADOPTION OF A GROWTH POLICY IS OPTIONAL; PROVIDING THAT A GROWTH POLICY MUST INCLUDE REQUIRED ELEMENTS BY OCTOBER 1, 2006, AND CLARIFYING THAT THE EXTENT TO WHICH THE REQUIRED ELEMENTS OF A GROWTH POLICY ARE ADDRESSED IS AT THE FULL DISCRETION OF THE GOVERNING BODY; PROVIDING THAT A GROWTH POLICY MAY COVER PART OF A JURISDICTIONAL AREA; REVISING THE PROCEDURES FOR ADOPTION, REVISION, AND REPEAL OF A GROWTH POLICY; REVISING THE PROVISIONS GOVERNING THE USE OF AN ADOPTED GROWTH POLICY; CONFORMING PROVISIONS IN THE ZONING AND SUBDIVISION LAWS TO THESE REVISIONS IN THE GROWTH POLICY LAWS; ELIMINATING THE REQUIREMENT THAT SUBDIVISION REGULATIONS BE IN ACCORDANCE WITH THE GOALS AND OBJECTIVES OF THE GROWTH POLICY WITHIN 1 YEAR OF ADOPTION OF A GROWTH POLICY; AMENDING SECTIONS 76-1-103, 76-1-106, 76-1-306, 76-1-601, 76-1-603, 76-1-604, 76-1-605, 76-2-201, 76-2-310, 76-3-210, 76-3-504, 76-3-505, 76-4-122, AND 76-4-127, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 76-1-103, MCA, is amended to read:

"76-1-103. Definitions. As used in this chapter, the following definitions apply:

(1) "City" includes incorporated cities and towns.

(2) "City council" means the chief legislative body of a city or incorporated town.

(3) "Governing body" or "governing bodies" means the governing body of any governmental unit represented on a planning board.

(4) "Growth policy" means ~~and is synonymous with~~ a comprehensive development plan, master plan, or comprehensive plan ~~that meets the requirements of 76-1-601 that was adopted pursuant to this chapter before October 1, 1999, or a policy that was adopted pursuant to this chapter on or after October 1, 1999.~~

(5) "Mayor" means mayor of a city.

(6) "Neighborhood plan" means a plan for a geographic area within the boundaries of the jurisdictional area that addresses one or more of the elements of the growth policy in more detail.

(7) "Person" means any individual, firm, or corporation.

(8) "Planning board" means a city planning board, a county planning board, or a joint city-county planning board.

(9) "Plat" means a subdivision of land into lots, streets, and areas, marked on a map or plan, and includes replats or amended plats.

(10) "Public place" means any tract owned by the state or its subdivisions.

(11) "Streets" includes streets, avenues, boulevards, roads, lanes, alleys, and all public ways.

~~(12) "Units of government" means any federal, state, or regional unit of government or any county, city, or town.~~

~~(13)~~(12) "Utility" means any facility used in rendering service that the public has a right to demand."

Section 2. Section 76-1-106, MCA, is amended to read:

"76-1-106. Role of the planning board. (1) To ensure the promotion of public health, safety, morals, convenience, or order or the general welfare and for the sake of efficiency and economy in the process of community development, *if requested by the governing body*, the planning board shall prepare a growth policy and shall serve in an advisory capacity to the local governing bodies establishing the planning board.

(2) The planning board may ~~also~~ propose policies for:

(a) subdivision plats;

(b) the development of public ways, public places, public structures, and public and private utilities;

(c) the issuance of improvement location permits on platted and unplatted lands; or

(d) the laying out and development of public ways and services to platted and unplatted lands."

Section 3. Section 76-1-306, MCA, is amended to read:

"76-1-306. ~~Board secretary and employees~~ Staff—service contracts. ~~(1) The board may appoint and prescribe the duties and fix the compensation of a secretary and such employees as are necessary for the discharge of the duties and responsibilities of the board.~~

~~(2) To effectuate the purpose of this chapter, the board shall have the power and duty to prescribe the qualifications of, appoint, remove, and fix the compensation of the employees of the board and~~ *The governing body shall assign*

staff employed by the governing body to assist the planning board in conducting its duties. The planning board may delegate to employees assigned staff the authority to perform ministerial acts in all cases except where when final action of the planning board is necessary.

~~(2)~~ The ~~board~~ governing body may make contracts for special or temporary services and any professional services.”

Section 4. Section 76-1-601, MCA, is amended to read:

“76-1-601. Growth policy — contents. (1) ~~The A planning board shall prepare and propose a growth policy for the entire~~ may cover all or part of the jurisdictional area. The plan may propose ordinances or resolutions for possible adoption by the appropriate governing body.

(2) *A growth policy must include the elements listed in subsection (3) by October 1, 2006. The extent to which a growth policy addresses the elements of a growth policy that are listed in subsection (3) is at the full discretion of the governing body.*

~~(2)~~(3) A growth policy ~~must~~ must include:

- (a) community goals and objectives;
- (b) maps and text describing an inventory of the existing characteristics and features of the jurisdictional area, including:
 - (i) land uses;
 - (ii) population;
 - (iii) housing needs;
 - (iv) economic conditions;
 - (v) local services;
 - (vi) public facilities;
 - (vii) natural resources; and
 - (viii) other characteristics and features proposed by the planning board and adopted by the governing bodies;
- (c) projected trends for the life of the growth policy for each of the following elements:
 - (i) land use;
 - (ii) population;
 - (iii) housing needs;
 - (iv) economic conditions;
 - (v) local services;
 - (vi) natural resources; and
 - (vii) other elements proposed by the planning board and adopted by the governing bodies;
- (d) a description of policies, regulations, and other measures to be implemented in order to achieve the goals and objectives established pursuant to subsection ~~(2)(a)~~ (3)(a);
- (e) a strategy for development, maintenance, and replacement of public infrastructure, including drinking water systems, wastewater treatment

facilities, sewer systems, solid waste facilities, fire protection facilities, roads, and bridges;

(f) an implementation strategy that includes:

(i) a timetable for implementing the growth policy;

(ii) a list of conditions that will lead to a revision of the growth policy; and

(iii) a timetable for reviewing the growth policy at least once every 5 years and revising the policy if necessary;

(g) a statement of how the governing bodies will coordinate and cooperate with other jurisdictions that explains:

(i) if a governing body is a city or town, how the governing body will coordinate and cooperate with the county in which the city or town is located on matters related to the growth policy;

(ii) if a governing body is a county, how the governing body will coordinate and cooperate with cities and towns located within the county's boundaries on matters related to the growth policy;

(h) a statement explaining how the governing bodies will:

(i) define the criteria in 76-3-608(3)(a); and

(ii) evaluate and make decisions regarding proposed subdivisions with respect to the criteria in 76-3-608(3)(a); and

(i) a statement explaining how public hearings regarding proposed subdivisions will be conducted.

~~(3)~~(4) A growth policy may:

(a) include one or more neighborhood plans. A neighborhood plan must be consistent with the growth policy.

(b) establish minimum criteria defining the jurisdictional area for a neighborhood plan;

(c) address the criteria in 76-3-608(3)(a);

(d) evaluate the effect of subdivision on the criteria in 76-3-608(3)(a);

(e) describe zoning regulations that will be implemented to address the criteria in 76-3-608(3)(a); and

(f) identify geographic areas where the governing body intends to authorize an exemption from review of the criteria in 76-3-608(3)(a) for proposed subdivisions pursuant to 76-3-608.

~~(4)~~(5) The planning board may propose and the governing bodies may adopt additional elements of a growth policy in order to fulfill the purpose of this chapter."

Section 5. Section 76-1-603, MCA, is amended to read:

"76-1-603. Adoption of growth policy by planning board. After consideration of the recommendations and suggestions elicited at the public hearing, the planning board shall by resolution:

(1) recommend the proposed growth policy and any proposed ordinances and resolutions for its implementation to the governing bodies of the governmental units represented on the *planning* board;

(2) *recommend that a growth policy not be adopted; or*

(3) *recommend that the governing body take some other action related to preparation of a growth policy.*"

Section 6. Section 76-1-604, MCA, is amended to read:

"76-1-604. Adoption, revision, or rejection of growth policy. (1) The governing ~~bodies shall~~ *body shall* adopt a resolution of intention to adopt, ~~revise~~ *adopt with revisions*, or reject the proposed growth policy ~~or any of its parts~~.

(2) If the governing ~~bodies adopt~~ *body adopts* a resolution of intention to adopt ~~the proposed~~ a growth policy ~~or any of its parts, they may, in their discretion, the governing body may~~ submit to the qualified electors of the ~~jurisdictional~~ area covered by the ~~proposed~~ growth policy *proposed by the governing body* at the next primary or general election or at a special election the referendum question of whether or not the growth policy should be adopted. A special election must be held in conjunction with a regular or primary election. ~~Except as provided in this section, the provisions of Title 7, chapter 5, part 1, apply to the referendum election.~~

(3) ~~The governing bodies may adopt, revise, or repeal a growth policy under this section. A governing body may:~~

(a) *revise an adopted growth policy following the procedures in this chapter for adoption of a proposed growth policy; or*

(b) *repeal a growth policy by resolution.*

(4) The qualified electors of the ~~jurisdictional area included within the growth policy area covered by the growth policy~~ may by initiative or referendum, ~~as provided in 7-5-131 through 7-5-137,~~ adopt, revise, or repeal a growth policy under this section. *A petition for initiative or referendum must contain the signatures of 15% of the qualified electors of the area covered by the growth policy.*

(5) *Except as otherwise provided in this section, the provisions of Title 7, chapter 5, part 1, apply to an initiative or referendum under this section."*

Section 7. Section 76-1-605, MCA, is amended to read:

"76-1-605. Use of adopted growth policy. (1) ~~After~~ *Subject to subsection (2), after* adoption of ~~the~~ a growth policy, the ~~city council, board of county commissioners, or other~~ governing body within the ~~territorial jurisdiction of the board~~ area covered by the growth policy pursuant to 76-1-601 must be guided by and give consideration to the general policy and pattern of development set out in the growth policy in the:

~~(1)(a)~~ *(a)* authorization, construction, alteration, or abandonment of public ways, public places, public structures, or public utilities;

~~(2)(b)~~ *(b)* authorization, acceptance, or construction of water mains, sewers, connections, facilities, or utilities; and

~~(3)(c)~~ *(c)* adoption of zoning ordinances or resolutions.

(2) (a) *A growth policy is not a regulatory document and does not confer any authority to regulate that is not otherwise specifically authorized by law or regulations adopted pursuant to the law.*

(b) *A governing body may not withhold, deny, or impose conditions on any land use approval or other authority to act based solely on compliance with a growth policy adopted pursuant to this chapter."*

Section 8. Section 76-2-201, MCA, is amended to read:

"76-2-201. County zoning authorized. For the purpose of promoting the public health, safety, morals, and general welfare, a board of county commissioners that has adopted a growth policy ~~for the entire jurisdictional area~~ pursuant to chapter 1 is authorized to adopt zoning regulations for all or parts of the jurisdictional area in accordance with the provisions of this part."

Section 9. Section 76-2-310, MCA, is amended to read:

"76-2-310. Extension of municipal zoning and subdivision regulations beyond municipal boundaries. (1) Except as provided in 76-2-312 and except in locations where a county has adopted zoning or subdivision regulations, a city or town council or other legislative body that has adopted a growth policy pursuant to chapter 1 *for the area to be affected by the regulations* may extend the application of its zoning or subdivision regulations beyond its limits in any direction subject to the following limits:

(a) up to 3 miles beyond the limits of a city of the first class as defined in 7-1-4111;

(b) up to 2 miles beyond the limits of a city of the second class; and

(c) up to 1 mile beyond the limits of a city or town of the third class.

(2) When two or more noncontiguous cities have boundaries so near to one another as to create an area of potential conflict in the event that all cities concerned should exercise the full powers conferred by 76-2-302, 76-2-311, and this section, then the extension of zoning or subdivision regulations, or both, by these cities must terminate at a boundary line agreed upon by the cities."

Section 10. Section 76-3-210, MCA, is amended to read:

"76-3-210. Subdivisions exempted from requirement of an environmental assessment. (1) Subdivisions totally within a jurisdictional area that ~~has adopted~~ *is covered by* all of the following are considered to be in the public interest and are exempt from the requirement of an environmental assessment:

(a) a growth policy adopted pursuant to chapter 1;

(b) zoning regulations pursuant to 76-2-201 or chapter 2, part 3; and

(c) a strategy for development, maintenance, and replacement of public infrastructure pursuant to 76-1-601.

(2) (a) A planning board established pursuant to chapter 1 may exempt a proposed subdivision within its jurisdictional area from the requirement for completion of any portion of the environmental assessment if:

(i) the subdivision is proposed in an area for which a growth policy has been adopted pursuant to chapter 1 and the proposed subdivision will be in compliance with the growth policy; or

(ii) the subdivision will contain fewer than 10 parcels and less than 20 acres.

(b) When an exemption is granted under this subsection (2), the planning board shall prepare and certify a written statement of the reasons for granting the exemption. A copy of this statement must accompany the preliminary plat of the subdivision when it is submitted for review.

(c) ~~Where~~ *If* a properly established planning board having jurisdiction does not exist, the governing body may grant exemptions as specified in this subsection (2)."

Section 11. Section 76-3-504, MCA, is amended to read:

“76-3-504. Subdivision regulations — contents. (1) The subdivision regulations adopted under this chapter must, at a minimum:

(a) except as provided in 76-3-210, 76-3-509, or 76-3-609(3), require the subdivider to submit to the governing body an environmental assessment as prescribed in 76-3-603;

(b) establish procedures consistent with this chapter for the submission and review of subdivision plats;

(c) prescribe the form and contents of preliminary plats and the documents to accompany final plats;

(d) provide for the identification of areas that, because of natural or human-caused hazards, are unsuitable for subdivision development and prohibit subdivisions in these areas unless the hazards can be eliminated or overcome by approved construction techniques;

(e) prohibit subdivisions for building purposes in areas located within the floodway of a flood of 100-year frequency, as defined by Title 76, chapter 5, or determined to be subject to flooding by the governing body;

(f) prescribe standards for:

(i) the design and arrangement of lots, streets, and roads;

(ii) grading and drainage;

(iii) subject to the provisions of 76-3-511, water supply and sewage and solid waste disposal that, at a minimum, meet the regulations adopted by the department of environmental quality under 76-4-104;

(iv) the location and installation of utilities;

(g) provide procedures for the administration of the park and open-space requirements of this chapter;

(h) provide for the review of preliminary plats by affected public utilities and those agencies of local, state, and federal government having a substantial interest in a proposed subdivision. A utility or agency review may not delay the governing body's action on the plat beyond the time limits specified in this chapter, and the failure of any agency to complete a review of a plat may not be a basis for rejection of the plat by the governing body.

(i) when a subdivision creates parcels with lot sizes averaging less than 5 acres, require the subdivider to:

(i) reserve all or a portion of the appropriation water rights owned by the owner of the land to be subdivided and transfer the water rights to a single entity for use by landowners within the subdivision who have a legal right to the water and reserve and sever any remaining surface water rights from the land;

(ii) if the land to be subdivided is subject to a contract or interest in a public or private entity formed to provide the use of a water right on the subdivision lots, establish a landowner's water use agreement administered through a single entity that specifies administration and the rights and responsibilities of landowners within the subdivision who have a legal right and access to the water; or

(iii) reserve and sever all surface water rights from the land;

(j) except as provided in this subsection, require the subdivider to establish ditch easements in the subdivision that are in locations of appropriate topographic characteristics and sufficient width, to allow the physical

placement and unobstructed maintenance of open ditches or belowground pipelines for the delivery of water for irrigation to persons and lands legally entitled to the water under an appropriated water right or permit of an irrigation district or other private or public entity formed to provide for the use of the water right on the subdivision lots; are a sufficient distance from the centerline of the ditch to allow for construction, repair, maintenance, and inspection of the ditch; and prohibit the placement of structures or the planting of vegetation other than grass within the ditch easement without the written permission of the ditch owner. Establishment of easements pursuant to this subsection (1)(j) is not required if:

(i) the average lot size is 1 acre or less and the subdivider provides for disclosure, in a manner acceptable to the governing body, that adequately notifies potential buyers of lots that are classified as irrigated land and may continue to be assessed for irrigation water delivery even though the water may not be deliverable; or

(ii) the water rights are removed or the process has been initiated to remove the water rights from the subdivided land through an appropriate legal or administrative process and if the removal or intended removal is denoted on the preliminary plat. If removal of water rights is not complete upon filing of the final plat, the subdivider shall provide written notification to prospective buyers of the intent to remove the water right and shall document that intent, when applicable, in agreements and legal documents for related sales transactions.

(k) require the subdivider, unless otherwise provided for under separate written agreement or filed easement, to file and record ditch easements for unobstructed use and maintenance of existing water delivery ditches, pipelines, and facilities in the subdivision that are necessary to convey water through the subdivision to lands adjacent to or beyond the subdivision boundaries in quantities and in a manner that are consistent with historic and legal rights;

~~(l) if the governing body has adopted a growth policy pursuant to chapter 1 of this title, be made in accordance with the goals and objectives established in the growth policy that are within the scope of 76-3-501 within 1 year of adoption of the growth policy;~~

~~(m)~~(l) require the subdivider to describe, dimension, and show utility easements in the subdivision on the final plat in their true and correct location. The utility easements must be of sufficient width to allow the physical placement and unobstructed maintenance of utility facilities for the provision of utility services within the subdivision.

(2) In order to accomplish the purposes described in 76-3-501, the subdivision regulations adopted under 76-3-509 and this section may include provisions that are consistent with this section that promote cluster development.”

Section 12. Section 76-3-505, MCA, is amended to read:

“76-3-505. Provision for summary review of minor subdivisions. (1) Local subdivision regulations must include procedures for the summary review and approval of subdivision plats containing five or fewer parcels when proper access to all lots is provided, when no land in the subdivision will be dedicated to public use for parks or playgrounds, and when the plats have been approved by the department of environmental quality whenever approval is required by part 1 of chapter 4; however, reasonable local regulations may contain additional requirements for summary approval.

(2) (a) Except when required by local subdivision regulations, proposed subdivisions eligible for summary review under this section that are located entirely within the ~~jurisdictional~~ area covered by a growth policy adopted pursuant to chapter 1 and zoning regulations adopted pursuant to chapter 2, part 2 or 3, are exempt from:

(i) the requirement to hold a hearing on the preliminary plat pursuant to 76-3-605; and

(ii) review by the governing body of the criteria in 76-3-608(3)(a).

(b) The governing body shall approve, conditionally approve, or disapprove a proposed subdivision that is eligible for review under this subsection (2) within 35 days of submission of the subdivision application."

Section 13. Section 76-4-122, MCA, is amended to read:

"76-4-122. Filing or recording of noncomplying plat or certificate of survey prohibited. (1) The county clerk and recorder may not file or record any plat or certificate of survey subject to review under this part showing a subdivision unless it complies with the provisions of this part.

(2) A county clerk and recorder may not accept a subdivision plat or certificate of survey subject to review under this part for filing until one of the following conditions has been met:

(a) the person wishing to file the plat or certificate of survey has obtained approval of the local health officer having jurisdiction and has filed the approval with the reviewing authority and a certificate of subdivision approval has been issued pursuant to 76-4-125 indicating that the reviewing authority has approved the subdivision application and that the subdivision is not subject to a sanitary restriction;

(b) the person wishing to file the plat or certificate of survey has obtained a certificate from the governing body pursuant to 76-4-127 that the subdivision is within ~~a jurisdictional area that has adopted~~ an area covered by a growth policy pursuant to chapter 1 of this title or within a first-class or second-class municipality, as described in 7-1-4111, and will be provided with adequate municipal facilities and adequate storm water drainage; or

(c) the person wishing to file the plat or certificate of survey has placed on the plat or certificate of survey an acknowledged certification that the subdivision is exempt from review under this part. The certification must quote in its entirety the wording of the applicable exemption."

Section 14. Section 76-4-127, MCA, is amended to read:

"76-4-127. Notice of certification that adequate storm water drainage and adequate municipal facilities will be provided. (1) To qualify for the exemption from review set out in 76-4-125(2)(d), the governing body, as defined in 76-3-103, shall, within 20 days after preliminary plat approval under the Montana Subdivision and Platting Act, send notice of certification to the reviewing authority that a subdivision has been submitted for approval and that adequate storm water drainage and adequate municipal facilities will be provided for the subdivision.

(2) The notice of certification must include the following:

(a) the name and address of the applicant;

(b) a copy of the preliminary plat or a final plat when a preliminary plat is not necessary;

- (c) the number of proposed parcels in the subdivision;
- (d) a copy of any applicable zoning ordinances in effect;
- (e) how construction of the sewage disposal and water supply systems or extensions will be financed;
- (f) certification that the subdivision is within ~~a jurisdictional area that has adopted an area covered by~~ a growth policy pursuant to chapter 1 of this title or within a first-class or second-class municipality, as described in 7-1-4111, and a copy of the growth policy, when applicable, if one has not yet been submitted to the reviewing authority;
- (g) the relative location of the subdivision to the city or town;
- (h) certification that adequate municipal facilities for the supply of water and disposal of sewage and solid waste are available or will be provided within 1 year after the notice of certification is issued;
- (i) if water supply, sewage disposal, or solid waste facilities are not municipally owned, certification from the facility owners that adequate facilities are available; and
- (j) certification that the governing body has reviewed and approved plans to ensure adequate storm water drainage.”

Section 15. Coordination instruction. If Senate Bill No. 340 and [this act] are both passed and approved, then Senate Bill No. 340 is void.

Section 16. Effective date. [This act] is effective on passage and approval.

Approved May 9, 2003

CHAPTER NO. 600

[SB 330]

AN ACT REQUIRING THE PUBLIC SERVICE COMMISSION TO TAKE INTO ACCOUNT THE ECONOMIC BENEFITS ASSOCIATED WITH THE DEFAULT SUPPLIER'S PROCUREMENT OF ELECTRICITY SUPPLY; AMENDING SECTION 69-8-210, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 69-8-210, MCA, is amended to read:

“69-8-210. Public utilities — electricity supply. (1) On the effective date of a commission order implementing a public utility's transition plan pursuant to 69-8-202, the public utility shall remove its generation assets from the rate base.

(2) During the transition period, the commission may establish cost-based prices for electricity supply service for customers that do not have a choice of electricity supply service or that have not yet chosen an electricity supplier.

(3) If the transition period is extended, then the customers' ~~distribution services provider~~ default supplier shall:

(a) extend any cost-based contract with the ~~distribution services provider's~~ default supplier's affiliate supplier for a term of not more than 3 years; or

(b) purchase electricity from the market; and

(c) use a mechanism that recovers electricity supply costs in rates to ensure that those costs are fully recovered.

(4) (a) *Subject to subsection (4)(b), the commission shall, in reviewing the procurement of electricity supply by the default supplier, take into account the statewide economic benefits that are associated with the electricity supply procurement for the default supply stakeholders. The default supply stakeholders include the default supplier, customers of the default supplier, and the public.*

(b) *The consideration of economic benefits is secondary to the consideration of the costs and benefits to the consumer and other criteria established by law.*

~~(4)~~(5) If a public utility intends to be an electricity supplier through an unregulated division, then the public utility must be licensed as an electricity supplier pursuant to 69-8-404.”

Section 2. Effective date. [This act] is effective on passage and approval.

Approved May 9, 2003

CHAPTER NO. 601

[SB 336]

AN ACT IMPLEMENTING RECOMMENDATIONS OF THE STATE PARK FUTURES II COMMITTEE TO IMPROVE THE OPERATION AND FUNDING OF THE STATE PARK SYSTEM; ASSESSING AN OPTIONAL \$4 FEE FOR EACH PASSENGER CAR OR TRUCK UNDER 8,001 POUNDS GVW THAT IS REGISTERED FOR LICENSING AND DIRECTING THAT THE FEE BE USED FOR STATE PARKS, FOR FISHING ACCESS SITES, AND FOR THE OPERATION OF STATE-OWNED FACILITIES AT VIRGINIA CITY AND NEVADA CITY; ALLOWING THE REGISTRANT OF A PASSENGER CAR OR TRUCK UNDER 8,001 POUNDS GVW TO MAKE A WRITTEN ELECTION NOT TO PAY THE ADDITIONAL \$4 FEE IF THE REGISTRANT DOES NOT INTEND TO USE STATE PARKS AND FISHING ACCESS SITES; PROVIDING THAT PERSONS WHO PAY THE OPTIONAL FEE MAY NOT BE REQUIRED TO PAY A DAY-USE FEE FOR ACCESS TO STATE PARKS; AMENDING SECTIONS 15-1-122, 23-1-105, AND 61-3-321, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-1-122, MCA, is amended to read:

“15-1-122. Fund transfers. (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, \$36,764 for fiscal year 2003. Beginning with fiscal year 2004, the amount of the transfer must be increased by 10% in each succeeding fiscal year.

(2) There is transferred from the state general fund to the department of transportation state special revenue nonrestricted account the following amounts:

(a) \$75,000 in fiscal year 2003;

(b) \$2,960,715 in fiscal year 2004; and

(c) in each succeeding fiscal year, the amount in subsection (2)(b), increased by 1.5% in each succeeding fiscal year.

(3) For fiscal year 2002 and for each succeeding fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients indicated the following amounts:

(a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5:

(i) \$2 for each new application for a motor vehicle title and for each transfer of a motor vehicle title for which a fee is paid pursuant to 61-3-203; and

(ii) \$1 for each passenger car or truck under 8,001 pounds GVW registered for licensing pursuant to Title 61, chapter 3, part 3. Fifteen cents of each dollar must be used for the purpose of reimbursing the hired removal of abandoned vehicles during the calendar year following the calendar year in which the fee was paid. Any portion of the 15 cents not used for abandoned vehicle removal reimbursement during the calendar year following its payment must be used as provided in 75-10-532;

(b) to the noxious weed state special revenue account provided for in 80-7-816:

(i) \$1 for each off-highway vehicle subject to payment of the fee in lieu of tax, as provided for in 23-2-803; and

(ii) \$1.50 for each light vehicle, truck or bus weighing less than 1 ton, logging truck, vehicles weighing more than 1 ton, motorcycle, quadricycle, and motor home subject to registration or reregistration pursuant to 61-3-321;

(c) to the department of fish, wildlife, and parks:

(i) \$2.50 for each motorboat, sailboat, or personal watercraft receiving a certificate of number under 23-2-512, with 20% of the amount received to be used to acquire and maintain pumpout equipment and other boat facilities;

(ii) \$5 for each snowmobile registered under 23-2-616, with \$2.50 to be used for enforcing the purposes of 23-2-601 through 23-2-644 and \$2.50 designated for use in the development, maintenance, and operation of snowmobile facilities;

(iii) \$1 for each duplicate snowmobile decal issued under 23-2-617;

(iv) \$5 for each off-highway vehicle decal issued under 23-2-804 and each off-highway vehicle duplicate decal issued under 23-2-809, with 40% of the money used to enforce the provisions of 23-2-804 and 60% of the money used to develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use;

(v) to the state special revenue fund established in 23-1-105, \$3.50 for each recreational vehicle, camper, motor home, and travel trailer registered or reregistered and subject to the fee in 61-3-321 or 61-3-524; ~~and~~

(vi) an amount equal to 20% of the funds collected pursuant to 23-2-518 to be deposited in the motorboat account to be used as provided in 23-2-533; *and*

(vii) to the state special revenue fund established in 23-1-105, \$4 for each passenger car or truck under 8,001 pounds GVW registered for licensing pursuant to 61-3-321(10)(a), with \$3.50 of the money used for state parks, 25 cents used for fishing access sites, and 25 cents used for the operation of state-owned facilities at Virginia City and Nevada City;

(d) to the state veterans' cemetery account, provided for in 10-2-603, \$10 for each veteran's license plate issued pursuant to 61-3-332(10)(a)(ii), (10)(f), and (10)(h);

(e) to the supplemental benefits for highway patrol officers' retirement account provided for in 19-6-709, 25 cents for each motor vehicle registered, other than trailers or semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and

(f) 25 cents a year for each vehicle subject to the fee in 61-3-321(6) for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.

~~(4) For fiscal year 2002, there is transferred from the state general fund to the state special revenue fund to be used for purposes of state funding of district court expenses, as provided in 3-5-901, \$5,742,983 in lieu of the amount deposited by the state treasurer under 61-3-509(3), as that subsection read prior to the amendment of 61-3-509 in 2001.~~

~~(5)(4) For each fiscal year, beginning with fiscal year 2002, the department of justice shall provide to the department of revenue a count of the vehicles required for the calculations in subsection (3). Transfer amounts for fiscal year 2002 must be based on vehicle counts for calendar year 2000. Transfer amounts in each succeeding fiscal year must be based on vehicle counts in the most recent calendar year for which vehicle information is available.~~

~~(6)(5) The amounts transferred from the general fund to the designated recipient must be appropriated as state special revenue in the general appropriations act for the designated purposes."~~

Section 2. Section 23-1-105, MCA, is amended to read:

"23-1-105. Fees and charges. (1) The department may levy and collect reasonable fees or other charges for the use of privileges and conveniences that may be provided and to grant concessions that it considers advisable, except as provided in ~~subsection~~ subsections (2) and (6). All money derived from the activities of the department, except as provided in subsection (5), must be deposited in the state treasury in a state special revenue fund to the credit of the department.

(2) Overnight camping fees established by the department under subsection (1) must be discounted 50% for a campsite rented by a person who is a resident of Montana, as defined in 87-2-102, and either 62 years of age or older or certified as disabled in accordance with rules adopted by the department.

(3) For a violation of any fee collection rule involving a vehicle, the registered owner of the vehicle at the time of the violation is personally responsible if an adult is not in the vehicle at the time the violation is discovered by an authorized officer. A defense that the vehicle was driven into the fee area by another person is not allowable unless it is shown that at that time, the vehicle was being used without the consent of the registered owner.

(4) Money received from the collection of fees and charges is not subject to the deposit requirements of 17-6-105. The department shall deposit money collected under this section within a reasonable time after receipt.

(5) There is a fund of the enterprise fund type, as defined in 17-2-102(1)(b)(i), for the purpose of managing state park visitor services revenue. The fund is to be used by the department to serve the recreating public by providing for the obtaining of inventory through purchase, production, or donation and for the sale of educational, commemorative, and interpretive merchandise and other related goods and services at department sites and facilities. The fund consists of money from the sale of educational, commemorative, and interpretive merchandise and other related goods and services and from donations. Gross

revenue from the sale of educational, commemorative, and interpretive merchandise and other related goods and services must be deposited in the fund. All interest and earnings on money deposited in the fund must be credited to the fund for use as provided in this subsection.

(6) In recognition of the fact that individuals support state parks through the payment of certain motor vehicle registration fees, persons who pay the fee provided for in 61-3-321(10)(a) may not be required to pay a day-use fee for access to state parks. Other fees for the use of state parks and fishing access sites, such as overnight camping fees, are still chargeable and may be collected by the department."

Section 3. Section 61-3-321, MCA, is amended to read:

"61-3-321. Registration fees of vehicles — certain vehicles exempt from license or registration fees — disposition of fees. (1) Registration or license fees must be paid upon registration or reregistration of motor vehicles, trailers, and semitrailers, in accordance with this chapter, as follows:

- (a) light vehicles under 2,850 pounds, \$13.75;
 - (b) trailers with a declared weight of less than 2,500 pounds and semitrailers, \$8.25;
 - (c) motor vehicles registered pursuant to 61-3-411 that are:
 - (i) over 2,850 pounds, \$10; and
 - (ii) under 2,850 pounds, \$5;
 - (d) off-highway vehicles registered pursuant to 23-2-817, \$9;
 - (e) light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and heavy trucks in excess of 1 ton, \$18.75;
 - (f) logging trucks less than 1 ton, \$23.75;
 - (g) motor homes, \$22.25;
 - (h) motorcycles and quadricycles, \$9.75;
 - (i) trailers and semitrailers between 2,500 and 6,000 pounds, \$11.25;
 - (j) trailers and semitrailers in excess of 6,000 pounds, other than trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement, \$16.25;
 - (k) travel trailers, \$11.75; and
 - (l) recreational vehicles, \$3.50.
- (2) If a motor vehicle, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the registration or license fee for the remainder of the year is one-half of the regular fee.
- (3) An additional fee of \$5 must be collected for the registration of each motorcycle as a safety fee and must be deposited in the state motorcycle safety account provided for in 20-25-1002.
- (4) A fee of \$2 for each set of new number plates must be collected when number plates provided for under 61-3-332(2) are issued.
- (5) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202.

(6) (a) Except as provided in 61-3-562 and subsection (6)(b) of this section, a fee of 25 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The revenue derived from this fee must be forwarded by the county treasurer for deposit in the general fund for transfer to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.

(b) The following vehicles are not subject to the fee imposed in subsection (6)(a):

(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and

(ii) travel trailers, recreational vehicles, and off-highway vehicles registered pursuant to 23-2-817.

(7) The provisions of this section relating to the payment of registration fees or new number plate fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335.

(8) A person qualifying under 61-3-332(10)(d) is exempt from the fees required under this section.

(9) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund.

(10) (a) *Unless a person exercises the option in subsection (10)(b), an additional fee of \$4 must be collected for each light vehicle or truck under 8,001 pounds GVW registered for licensing pursuant to this part. The fee must be deposited in the state general fund to be used for state parks, for fishing access sites, and for the operation of state-owned facilities as provided in 15-1-122(3)(c)(vii).*

(b) *A person who registers a light vehicle or truck under 8,001 pounds GVW may, at the time of annual registration, certify that the person does not intend to use state parks and fishing access sites and may make a written election not to pay the additional \$4 fee provided for in subsection (10)(a). If a written election is made, the fee may not be collected."*

Section 4. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 5. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 6. Effective date. [This act] is effective January 1, 2004.

Approved May 9, 2003

CHAPTER NO. 602

[SB 347]

AN ACT GENERALLY REVISING THE LAWS RELATING TO PUBLIC MENTAL HEALTH SERVICES; PROVIDING FOR DEVELOPMENT OF SERVICE AREA AUTHORITIES BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; PROVIDING FOR DEPARTMENT

DUTIES, INCLUDING PREPARATION AND MAINTENANCE OF A COMPREHENSIVE MENTAL HEALTH PLAN, MENTAL HEALTH SERVICE AREAS, AND PROVIDER CERTIFICATION STANDARDS; PROVIDING FOR DEVELOPMENT OF REGIONAL SERVICE AREA AUTHORITIES AND SERVICE PLANS WITH DEPARTMENT SUPPORT; REVISING RESPONSES TO THE MENTAL DISABILITIES BOARD OF VISITORS BY MENTAL HEALTH FACILITIES; REPEALING PROVISIONS REGARDING REGIONAL MENTAL HEALTH CORPORATIONS AND COMMUNITY MENTAL HEALTH CENTERS; AMENDING SECTIONS 19-3-108, 53-1-602, 53-6-101, 53-21-104, AND 53-21-138, MCA; REPEALING SECTIONS 53-21-201, 53-21-202, 53-21-203, 53-21-204, 53-21-205, 53-21-206, 53-21-211, 53-21-212, 53-21-213, AND 53-21-214, MCA; AND PROVIDING EFFECTIVE DATES AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Definitions. As used in [sections 1 through 8], the following definitions apply:

(1) "Department" means the department of public health and human services as provided for in 2-15-2201.

(2) "Service area authority" means an entity, as provided for in [section 4], that has incorporated to contract with the department for the planning, oversight, and administration of mental health services within a service area as defined by the department by rule.

Section 2. Definitions. As used in [sections 1 through 8], the following definitions apply:

(1) "Community mental health center" means a licensed mental health center that provides comprehensive public mental health services in a multicounty region under contract with the department, counties, or one or more service area authorities.

(2) "Department" means the department of public health and human services as provided for in 2-15-2201.

(3) "Licensed mental health center" means an entity licensed by the department of public health and human services to provide mental health services and has the same meaning as mental health center as defined in 50-5-101.

(4) "Service area" means a region of the state as defined by the department by rule within which mental health services are administered.

(5) "Service area authority" means an entity, as provided for in [section 4], that has incorporated to contract with the department for the planning, oversight, and administration of mental health services within a service area.

Section 3. Duties of department. The department:

(1) shall take cognizance of matters affecting the mental health of the citizens of the state;

(2) shall initiate mental health care and treatment, prevention, and research as can best be accomplished by community-centered services. The department shall initiate and operate services in cooperation with local agencies, service area authorities, mental health professionals, and other entities providing services to persons with mental illness.

(3) shall specifically address:

- (a) provider contracting;
 - (b) service planning;
 - (c) preadmission screening and discharge planning;
 - (d) quality management;
 - (e) utilization management and review;
 - (f) consumer and family education; and
 - (g) rights protection;
- (4) shall collect and disseminate information relating to mental health;
- (5) shall prepare and maintain a comprehensive plan to develop public mental health services in the state and to establish service areas;
- (6) must receive from agencies of the United States and other state agencies, persons or groups of persons, associations, firms, or corporations grants of money, receipts from fees, gifts, supplies, materials, and contributions for the development of mental health services within the state;
- (7) shall establish qualified provider certification standards by rule, which may include requirements for national accreditation for mental health programs that receive funds from the department;
- (8) shall perform an annual review and evaluation of mental health needs and services within the state by region and evaluate the performance of programs that receive funds from the department for compliance with federal and state standards;
- (9) shall coordinate state and community resources to ensure comprehensive delivery of services to children with emotional disturbances and submit at least a biennial report to the governor and the legislature concerning the activities and recommendations of the department and service providers; and
- (10) shall coordinate the establishment of service area authorities, as provided in [section 4], to assist the department in the coordination and delivery of mental health services.

Section 4. Service area authorities — leadership committees — boards — plans. (1) In the development of a service area authority, public meetings must be held in communities throughout a service area as defined by the department by rule. The purpose of the meetings is to assist the department to establish a stakeholder leadership committee. The meetings must be designed to solicit input from consumers of services for persons with mental illness, advocates, family members of persons with mental illness, mental health professionals, county commissioners, and other interested community members.

(2) The leadership committee within each service area must include but is not limited to a significant portion of consumers of services for persons with mental illness, family members of persons with mental illness, and a mental health services provider. The department shall provide assistance for the development of a leadership committee. The department shall approve a leadership committee within each service area.

(3) The leadership committee within each service area shall establish a service area authority board and create bylaws that describe the board's

functions and method of appointment. The bylaws must be submitted to the department for review.

(4) The service area authority board must be established under Title 35, chapter 2. Upon incorporation, the board may enter into contracts with the department to carry out the comprehensive plan for mental health for that service area. Nonprofit corporations incorporated for the purposes of [sections 1 through 8] may not be considered agencies of the department or the state of Montana.

(5) A service area authority board:

(a) shall define the operation and management of the service area mental health system, including:

- (i) provider contracting;
- (ii) quality and outcome management;
- (iii) service planning;
- (iv) utilization management and review;
- (v) preadmission screening and discharge planning;
- (vi) consumer advocacy and family education and rights protection;
- (vii) infrastructure;
- (viii) information system requirements; and
- (ix) procurement processes;

(b) shall submit a biennial review and evaluation of mental health service needs and services within the service area;

(c) shall keep all records of the board and make reports required by the department;

(d) shall prepare and submit a plan and budget proposal to support mental health services for children and adults within the service area, including proposals within existing allocations and specifically outlining any new funding proposals, to the department and to each county in the service area;

(e) may receive and shall administer funding available for the provision of mental health services, including grants from the United States government and other agencies, receipts for established fees rendered, taxes, gifts, donations, and other types of support or income. All funds received by the board must be used to carry out the purposes of [sections 1 through 8].

(f) shall reimburse board members for actual and necessary expenses incurred in attending meetings and in the discharge of board duties as assigned by the board; and

(g) shall either include a county commissioner or work closely with county commissioners in the service area.

(6) The department shall review the plan and budget proposal provided for in subsection (5)(d) and assess the readiness of the service area authority to assume each duty provided in subsection (5)(a). The department shall certify that the service area authority is capable of assuming the duty before contracting with the service area authority for that duty and may provide for a gradual assumption of the duties by a service area authority within the department's 4-year transition plan, subject to approval of the federal waivers as provided for in [section 15].

(7) A service area authority may not directly provide mental health services.

Section 5. Mental health services contracts. (1) The department shall provide for public mental health services for the purposes of the prevention, diagnosis, and treatment of mental illness to the extent funded by the legislature.

(2) The department may administer the provision of services for prevention, diagnosis, and treatment of mental illness directly or indirectly:

(a) through contract with other agencies of government, private or public agencies, private professional persons, hospitals, or licensed mental health centers; or

(b) through contract with service area authorities who may contract with or develop cooperative arrangements with other agencies of government, private or public agencies, private professional persons, hospitals, or licensed mental health centers for the provision of services.

(3) The department is directed to encourage and create incentives for the use of funding generated by local governments to provide mental health services to participate in federal cost-sharing programs.

(4) The department shall make efforts to promote the rights of persons with mental illness who are eligible for services to have a choice among qualified providers of mental health services or support services that are administered or funded by the department or contracted with a service area authority by the department.

(5) The department or a service area authority shall develop contracts to be bid competitively under the Montana Procurement Act for any service administered or funded by the department that will limit a client's choice of a provider of that service in order to ensure accountability and that necessary services are delivered in all areas of the state. Except for the department's ability to contract solely with service area authorities, the exception for human services as provided in 18-4-123(18) does not apply.

Section 6. County commissioners — community mental health centers — licensed mental health centers. (1) The county commissioners in each of the counties in the region or service area that are designated as participating counties pursuant to subsection (4) may appoint, upon request, a person from their respective county to serve as a representative of the county on a community mental health center board or other licensed mental health center board.

(2) A community mental health center board or other licensed mental health center board may establish a recommended proportionate level of financial participation for each of the counties within the region for the provision of mental health services within the limits of financial participation authorized by this section.

(3) Prior to June 10 of each year, the board of a community mental health center or other licensed mental health center may submit an annual budget to the board of county commissioners of each of the counties within their mental health region or service area, specifying each county's recommended proportionate share.

(4) If a board of county commissioners includes in the county budget the county's proportionate share of the community mental health center or other licensed mental health center board's budget, the county must be designated as

a participating county. Funds for each participating county's proportionate share for the operation of mental health services within the region must be derived from the county's general fund. Subject to 15-10-420, if the general fund is insufficient to meet the approved budget, a levy may be made on the taxable valuation of the county in addition to all other taxes allowed by law to be levied on that property.

(5) Each board of county commissioners, after determining the amount of county general fund money to be used for mental health services, may contract with a community mental health center or another licensed mental health center or provider for mental health services in the county.

Section 7. Continuation of services. [Sections 1 through 8] may not be construed to prevent the continuation of services by or the facilities of existing community mental health centers or of any other appropriately certified or licensed mental health center or mental health professional.

Section 8. Availability of services. (1) The services funded by the department are available without discrimination on the basis of race, color, creed, religion, or ability to pay and must comply with Title VI of the Civil Rights Act of 1964.

(2) Services available to individuals unable to pay may be limited by the department based upon availability of funding.

Section 9. Policy directive on transition to service area authorities. (1) The department shall develop a plan by January 31, 2004, for the transition to the administration of the delivery of public mental health services by service area authorities. If the provisions of the plan requiring federal approval, as provided in [section 15], are approved, the department shall implement the plan beginning July 1, 2004, or upon approval of the federal waivers. The plan must address delivery of mental health services for both the child and adult mental health systems. It is expected that service area authorities will be implemented statewide over a 4-year period.

(2) By June 1, 2004, the department shall define the role of the existing community mental health centers, which must be licensed mental health centers, as a part of the transition plan. If the role includes any special designation, the department shall define the special designation and the reasons for any special designation.

(3) The department shall report on the transition plan to the children, families, health, and human services interim committee at each committee meeting and provide the transition plan to the committee by January 31, 2004.

Section 10. Section 19-3-108, MCA, is amended to read:

"19-3-108. Definitions. Unless the context requires otherwise, as used in this chapter, the following definitions apply:

(1) (a) "Compensation" means remuneration paid out of funds controlled by an employer in payment for the member's services, or for time during which the member is excused from work because of a holiday or because the member has taken compensatory leave, sick leave, annual leave, or a leave of absence, before any pretax deductions allowed by state or federal law are made.

(b) Compensation does not include:

(i) the payments or contributions made in lieu of wages for an individual subject to 19-3-403(4)(a);

(ii) in-kind goods provided by the employer, such as uniforms, housing, transportation, or meals;

(iii) in-kind services, such as the retraining allowance paid pursuant to 2-18-622, or employment-related services;

(iv) contributions to group insurance, such as that provided under 2-18-701 through 2-18-704; and

(v) lump-sum payments for compensatory leave, sick leave, or annual leave paid without termination of employment.

(2) "Contracting employer" means any political subdivision or governmental entity that has contracted to come into the system under this chapter.

(3) "Defined benefit plan" means the plan within the public employees' retirement system established in 19-3-103 that is not the defined contribution plan.

(4) "Employer" means the state of Montana, its university system or any of the colleges, schools, components, or units of the university system for the purposes of this chapter, or any contracting employer, ~~except that a nonprofit mental health corporation established pursuant to 53-21-204 may not be an employer with regard to employees hired after June 30, 1999.~~

(5) "Employer contributions" means payments to a pension trust fund pursuant to 19-3-316 from appropriations of the state of Montana and from contracting employers.

(6) "Highest average compensation" means a member's highest average monthly compensation during any 36 consecutive months of membership service. Lump-sum payments for severance pay, including payment for compensatory leave, sick leave, and annual leave, paid to the member upon termination of employment may be used in the calculation of a retirement benefit only to the extent that they are used to replace, on a month-for-month basis, the regular compensation for a month or months included in the calculation of the highest average compensation. A lump-sum payment may not be added to a single month's compensation.

(7) "System" or "retirement system" means the public employees' retirement system established in 19-3-103."

Section 11. Section 53-1-602, MCA, is amended to read:

"53-1-602. Department of public health and human services. (1) The following components are in the department of public health and human services to carry out the purposes of the department:

(a) mental health services, consisting of the following institutional components for care and treatment of the mentally ill pursuant to Title 53, chapter 21, chapter 21:

(i) the Montana state hospital; *and*

(ii) the Montana mental health nursing care center; ~~and~~

~~(iii)~~ (b) a community services component, consisting of appropriate services for the care and treatment of the mentally ill pursuant to ~~Title 53, chapter 21, part 2 [sections 1 through 8];~~

~~(b)~~ (c) chemical dependency services, consisting of appropriate detoxification, inpatient, intensive outpatient, outpatient, prevention,

education, and other necessary chemical dependency services pursuant to Title 53, chapter 24;

~~(e)~~(d) institutional and residential components of the developmental disabilities system for those persons with developmental disabilities who require institutional or residential care according to Title 53, chapter 20, which components consist of:

- (i) the Montana developmental center; and
- (ii) the Eastmont human services center; and

~~(d)~~(e) the veterans' nursing homes for the nursing home and domiciliary care of honorably discharged veterans as provided by law, consisting of:

- (i) the Montana veterans' home; and
- (ii) the eastern Montana veterans' home at Glendive.

(2) A state institution may not be moved, discontinued, or abandoned without the consent of the legislature."

Section 12. Section 53-6-101, MCA, is amended to read:

"53-6-101. Montana medicaid program — authorization of services.

(1) There is a Montana medicaid program established for the purpose of providing necessary medical services to eligible persons who have need for medical assistance. The Montana medicaid program is a joint federal-state program administered under this chapter and in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended. The department of public health and human services shall administer the Montana medicaid program.

(2) Medicaid assistance provided by the Montana medicaid program includes the following services:

- (a) inpatient hospital services;
- (b) outpatient hospital services;
- (c) other laboratory and x-ray services, including minimum mammography examination as defined in 33-22-132;
- (d) skilled nursing services in long-term care facilities;
- (e) physicians' services;
- (f) nurse specialist services;
- (g) early and periodic screening, diagnosis, and treatment services for persons under 21 years of age;
- (h) ambulatory prenatal care for pregnant women during a presumptive eligibility period, as provided in 42 U.S.C. 1396a(a)(47) and 42 U.S.C. 1396r-1;
- (i) targeted case management services, as authorized in 42 U.S.C. 1396n(g), for high-risk pregnant women;
- (j) services that are provided by physician assistants-certified within the scope of their practice and that are otherwise directly reimbursed as allowed under department rule to an existing provider;
- (k) health services provided under a physician's orders by a public health department; and
- (l) federally qualified health center services, as defined in 42 U.S.C. 1396d(l)(2).

(3) Medical assistance provided by the Montana medicaid program may, as provided by department rule, also include the following services:

(a) medical care or any other type of remedial care recognized under state law, furnished by licensed practitioners within the scope of their practice as defined by state law;

(b) home health care services;

(c) private-duty nursing services;

(d) dental services;

(e) physical therapy services;

(f) mental health center services administered and funded under a state mental health program authorized under ~~Title 53, chapter 21, part 2 [sections 1 through 8];~~

(g) clinical social worker services;

(h) prescribed drugs, dentures, and prosthetic devices;

(i) prescribed eyeglasses;

(j) other diagnostic, screening, preventive, rehabilitative, chiropractic, and osteopathic services;

(k) inpatient psychiatric hospital services for persons under 21 years of age;

(l) services of professional counselors licensed under Title 37, chapter 23;

(m) hospice care, as defined in 42 U.S.C. 1396d(o);

(n) case management services as provided in 42 U.S.C. 1396d(a) and 1396n(g), including targeted case management services for the mentally ill;

(o) *services of psychologists licensed under Title 37, chapter 17;*

~~(p)~~(p) inpatient psychiatric services for persons under 21 years of age, as provided in 42 U.S.C. 1396d(h), in a residential treatment facility, as defined in 50-5-101, that is licensed in accordance with 50-5-201; and

~~(p)~~(q) any additional medical service or aid allowable under or provided by the federal Social Security Act.

(4) Services for persons qualifying for medicaid under the medically needy category of assistance as described in 53-6-131 may be more limited in amount, scope, and duration than services provided to others qualifying for assistance under the Montana medicaid program. The department is not required to provide all of the services listed in subsections (2) and (3) to persons qualifying for medicaid under the medically needy category of assistance.

(5) In accordance with federal law or waivers of federal law that are granted by the secretary of the U.S. department of health and human services, the department of public health and human services may implement limited medicaid benefits, to be known as basic medicaid, for adult recipients who are eligible because they are receiving financial assistance, as defined in 53-4-201, as the specified caretaker relative of a dependent child under the FAIM project and for all adult recipients of medical assistance only who are covered under a group related to a program providing financial assistance, as defined in 53-4-201. Basic medicaid benefits consist of all mandatory services listed in subsections (2)(a) through (2)(l) but may include those optional services listed in subsections (3)(a) through ~~(3)(p)~~ (3)(q) that the department in its discretion specifies by rule. The department, in exercising its discretion, may consider the

amount of funds appropriated by the legislature and whether the provision of a particular service is commonly covered by private health insurance plans. However, a recipient who is pregnant, meets the criteria for disability provided in Title II of the Social Security Act, 42 U.S.C. 416, et seq., or is less than 21 years of age is entitled to full medicaid coverage.

(6) The department may implement, as provided for in Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended, a program under medicaid for payment of medicare premiums, deductibles, and coinsurance for persons not otherwise eligible for medicaid.

(7) The department may set rates for medical and other services provided to recipients of medicaid and may enter into contracts for delivery of services to individual recipients or groups of recipients.

(8) The services provided under this part may be only those that are medically necessary and that are the most efficient and cost-effective.

(9) The amount, scope, and duration of services provided under this part must be determined by the department in accordance with Title XIX of the Social Security Act, 42 U.S.C. 1396, et seq., as may be amended.

(10) Services, procedures, and items of an experimental or cosmetic nature may not be provided.

(11) If available funds are not sufficient to provide medical assistance for all eligible persons, the department may set priorities to limit, reduce, or otherwise curtail the amount, scope, or duration of the medical services made available under the Montana medicaid program.

(12) Community-based medicaid services, as provided for in part 4 of this chapter, must be provided in accordance with the provisions of this chapter and the rules adopted under this chapter.

(13) Medicaid payment for personal-care facilities may not be made unless the department certifies to the director of the governor's office of budget and program planning that payment to this type of provider would, in the aggregate, be a cost-effective alternative to services otherwise provided."

Section 13. Section 53-21-104, MCA, is amended to read:

"53-21-104. Powers and duties of mental disabilities board of visitors. (1) The board is an independent board of inquiry and review that is responsible to ensure that the treatment of all persons either voluntarily or involuntarily admitted to a mental facility in Montana is humane, is consistent with established clinical and other professional standards, and meets the requirements set forth in this part.

(2) The board shall review all plans for experimental research involving persons admitted to a mental health facility to ensure that each research project is humane and not unduly hazardous and that it complies with the principles of the statement on the use of human subjects for research of the American association on mental deficiency and with the principles for research involving human subjects required by the United States department of health and human services. An activity considered to be an experimental research project and that involves a person or persons admitted to a mental health facility affected by this part may not be commenced unless it is approved by the mental disabilities board of visitors.

(3) (a) The board shall inspect every mental health facility that provides treatment or evaluation to any person pursuant to this part.

(b) The board shall annually establish a schedule for the inspection of mental health facilities that enables the board to meet its obligation under subsection (1).

(c) The board's authority to inspect mental health facilities may not be waived or precluded by other treatment review, licensing, or accreditation requirements or protocols. The board may exercise the prerogative to inspect any mental health facility at any time independent of its facility inspection schedule.

(d) The board shall produce a written report of each inspection of a mental health facility that must include specific recommendations for improvements that the board concludes are necessary in order for the inspected facility to meet the requirements in this part.

(e) The board shall provide a draft of each written report within 30 calendar days of the completion of each mental health facility inspection to the professional person in charge of the inspected facility for review prior to publication.

(f) The professional person in charge of the inspected facility shall provide a written response to the board's written report within 30 calendar days of receipt of the report. The response must include one of the following for each recommendation:

- (i) a specific plan for implementation of the recommended action; or
- (ii) a specific rationale that explains why the recommendation cannot be implemented.

(g) The board shall include the inspected facility's written response in the board's final published written report.

(h) The board shall include in subsequent inspections an assessment of each facility's implementation of the recommendations.

(i) The board shall report in writing to the director of the department and the governor when it determines that a mental health facility has not either implemented written recommendations or provided a specific rationale that explains why any recommendations cannot be implemented.

(4) (a) The board, by applying a sampling process during a scheduled inspection of a mental health facility, shall ensure that a treatment plan and a discharge plan exists and is being implemented for each patient admitted or committed to the mental health facility being inspected under this part.

(b) The board, during a scheduled inspection of a mental health facility, shall review all aspects of the treatment of persons admitted to mental health facilities and review the use of treatment procedures that involve behavior control, including but not limited to the use of any type of mechanical restraints, locked and unlocked seclusion or isolation, time out, or any other procedure involving physical control.

(c) The board shall ensure that the use of treatment procedures described in subsection (4)(b) at inspected mental health facilities is clinically justified, is monitored closely by a medical doctor and other mental health professionals, is implemented only when other less restrictive measures have failed, and is implemented to the least extent necessary to protect the safety and health of the affected individual or others in the immediate environment.

(d) The board may exercise the prerogative to inquire about and ensure the existence and implementation of treatment plans and discharge plans for any person admitted to a mental health facility and to inquire about and ensure the appropriate use of treatment procedures described in subsection (4)(b) with any person admitted to a mental health facility independent of its facility inspection schedule.

(5) The board may assist any person who is receiving or who has received treatment at a mental health facility in resolving any grievance the person may have concerning the person's admission or course of treatment in the facility.

(6) The board shall employ and is responsible for full-time legal counsel at the state hospital, whose responsibility is to act on behalf of all patients at the state hospital. The board shall ensure that there are sufficient legal staff and facilities to ensure availability to all patients and shall require that the appointed counsel periodically interview every patient and examine the patient's files and records. The board may employ additional legal counsel for representation of patients in a similar manner at any other mental health facility having inpatient capability.

(7) ~~(a)~~ If the board believes that any facility is failing to comply with the provisions of this part in regard to its physical facilities or its treatment of any person, it shall report its findings in writing to the professional person in charge of the facility and the director of the department.

~~(b) The professional person in charge of the facility shall submit a written response to the board within 10 working days that includes a specific plan to implement corrective action.~~

~~(c) If the problem is not appropriately resolved to the satisfaction of the board within 15 working days of the written notice provided for in subsection (7)(a), the board shall notify the next of kin or guardian of any person involved, the friend of respondent appointed by the court for any person involved, the district court that has jurisdiction over the facility, and the governor.~~

(b) The professional person in charge of the facility shall submit a written response to the board within 10 working days of the receipt of the board's written findings provided for in subsection (7)(a) that includes an explanation of the facility's point of view regarding the board's concerns, including areas of disagreement and agreement. If the facility is in full or partial agreement with the board's concerns, its written response must include actions that it has taken or that it plans to take to address the concerns.

(c) If the facility's written response does not resolve the concerns to the board's satisfaction, the board and the professional person in charge of the facility shall meet in person within 15 working days of the board's receipt of the facility's response to seek a mutually agreed upon resolution.

(8) The board shall publish standards for its inspections of mental health facilities.

(9) The board shall report annually to the governor concerning:

(a) the status of the mental health facilities and treatment programs that it has inspected since the last annual report; and

(b) occurrences of the administration of medications against the wishes of persons receiving treatment in mental health facilities and the effectiveness of the review procedure required by 53-21-127(6) in protecting persons from unnecessary or excessive medication."

Section 14. Section 53-21-138, MCA, is amended to read:

“53-21-138. Diversion of certain persons suffering from mental disorders from detention center. (1) The sheriff or administrator of a detention center in each county shall require screening of inmates to identify persons accused of minor misdemeanor offenses who appear to be suffering from mental disorders and who may require commitment, as defined in 53-21-102.

(2) If as a result of screening and observation it is believed that an inmate is suffering from a mental disorder and may require commitment, the sheriff or administrator of the detention center shall:

(a) request services from a crisis intervention program established by the department, as provided for in 53-21-139;

(b) refer the inmate to the nearest ~~community mental health center, as defined in 53-21-201~~ *qualified mental health care provider as arranged by the county*; or

(c) transfer the inmate to a private mental health facility or hospital equipped to provide treatment and care of persons who are suffering from a mental disorder and who require commitment.

(3) As used in this section, the term “minor misdemeanor offense” includes but is not limited to a nonserious misdemeanor, such as criminal trespass to property, loitering, vagrancy, disorderly conduct, and disturbing the public peace.

(4) A person intoxicated by drugs or alcohol who is accused of a minor misdemeanor offense may be detained in a jail until the level of intoxication is reduced to the point that screening for a mental disorder and the need for commitment can be performed.”

Section 15. Agreements with federal government pertaining to medicaid funding of services — legislative intent. (1) The department of public health and human services is directed to pursue agreements with the United States department of health and human services, as provided for in Title XIX of the federal Social Security Act, 42 U.S.C. 1396, et seq., and implementing regulations, for the provision of increased medicaid funding for mental health services and for more flexible administration of mental health services funded with medicaid money. Agreements may be for waivers, demonstrations, or other programs as allowed for in Title XIX and its implementing regulations governing the provision of medicaid funding to the states.

(2) If the department of public health and human services is unable to obtain the federal medicaid waivers necessary to obtain federal matching funds to administer the medicaid program for mental health services as provided in Title 53, chapter 6, and [sections 1 through 8], then the legislature intends that the department shall identify the sections of [this act] that are contrary to federal law in its transition plan as required under [section 9] and that the department shall present recommendations for an alternative plan and suggested legislation to the 2005 legislature for consideration.

Section 16. Repealer. (1) Sections 53-21-202, 53-21-203, 53-21-205, 53-21-206, 53-21-211, 53-21-212, 53-21-213, and 53-21-214, MCA, are repealed.

(2) Sections 53-21-201 and 53-21-204, MCA, are repealed.

Section 17. Codification instruction. [Sections 1 through 8] are intended to be codified as an integral part of Title 53, chapter 21, and the provisions of Title 53, chapter 21, apply to [sections 1 through 8].

Section 18. Saving clause. [This act] does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before [the effective date of this act].

Section 19. Effective dates. (1) Except as provided in subsection (2), [this act] is effective October 1, 2003.

(2) [Sections 2, 6, 10, and 16(2)] are effective July 1, 2005.

Section 20. Termination. [Section 1] terminates June 30, 2005.

Approved May 9, 2003

CHAPTER NO. 603

[SB 360]

AN ACT REQUIRING THE STATE FUND TO INCLUDE A PROVISION IN EVERY POLICY OF INSURANCE ISSUED THAT INCORPORATES A RESTRICTION ON THE USE AND TRANSFER OF MONEY COLLECTED BY THE STATE FUND; PROHIBITING THE LEGISLATURE FROM TRANSFERRING THE ASSETS OF THE STATE FUND FOR CLAIMS FOR INJURIES OCCURRING ON OR AFTER JULY 1, 1990, TO OTHER FUNDS OR FOR OTHER PROGRAMS; AMENDING SECTIONS 39-71-2316, 39-71-2320, 39-71-2322, AND 39-71-2327, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 39-71-2316, MCA, is amended to read:

"39-71-2316. Powers of state fund. (1) For the purposes of carrying out its functions, the state fund may:

~~(1)~~(a) insure any employer for workers' compensation and occupational disease liability as the coverage is required by the laws of this state and, as part of the coverage, provide related employers' liability insurance upon approval of the board;

~~(2)~~(b) sue and be sued;

~~(3)~~(c) except as provided in section 21, Chapter 4, Special Laws of May 1990, enter into contracts relating to the administration of the state fund, including claims management, servicing, and payment;

~~(4)~~(d) collect and disburse money received;

~~(5)~~(e) adopt classifications and charge premiums for the classifications so that the state fund will be neither more nor less than self-supporting. Premium rates for classifications may only be adopted and changed using a process, a procedure, formulas, and factors set forth in rules adopted under Title 2, chapter 4, parts 2 through 4. After the rules have been adopted, the state fund need not follow the rulemaking provisions of Title 2, chapter 4, when changing classifications and premium rates. The contested case rights and provisions of Title 2, chapter 4, do not apply to an employer's classification or premium rate. The state fund is required to belong to a licensed workers' compensation advisory organization or a licensed workers' compensation rating organization under Title 33, chapter 16, part 4, and may use the classifications of employment adopted by the designated workers' compensation advisory organization, as provided in Title 33, chapter 16, part 10, and corresponding rates as a basis for

setting its own rates. Except as provided in Title 33, chapter 16, part 10, a workers' compensation advisory organization or a licensed workers' compensation rating organization under Title 33, chapter 16, part 4, or other person may not, without first obtaining the written permission of the employer, use, sell, or distribute an employer's specific payroll or loss information, including but not limited to experience modification factors.

~~(6)~~(f) pay the amounts determined to be due under a policy of insurance issued by the state fund;

~~(7)~~(g) hire personnel;

~~(8)~~(h) declare dividends if there is an excess of assets over liabilities. However, dividends may not be paid until adequate actuarially determined reserves are set aside.

~~(9)~~(i) adopt and implement one or more alternative personal leave plans pursuant to 39-71-2328;

~~(10)~~(j) upon approval of the board, contract with licensed resident insurance producers;

~~(11)~~(k) upon approval of the board, enter into agreements with licensed workers' compensation insurers, insurance associations, or insurance producers to provide workers' compensation coverage in other states to Montana-domiciled employers insured with the state fund;

~~(12)~~(l) upon approval of the board, expend funds for scholarship, educational, or charitable purposes;

~~(13)~~(m) upon approval of the board, including terms and conditions, provide employers coverage under the federal Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901, et seq.), the federal Merchant Marine Act, 1920 (Jones Act, 46 U.S.C. 688), and the federal Employers' Liability Act (45 U.S.C. 51, et seq.);

~~(14)~~(n) perform all functions and exercise all powers of a private insurance carrier that are necessary, appropriate, or convenient for the administration of the state fund.

(2) *The state fund shall include a provision in every policy of insurance issued pursuant to this part that incorporates the restriction on the use and transfer of money collected by the state fund as provided for in 39-71-2320."*

Section 2. Section 39-71-2320, MCA, is amended to read:

"39-71-2320. Property of state fund — investment required — exception. ~~(1) Except as provided in subsection (2), all~~ All premiums and other money paid to the state fund, all property and securities acquired through the use of money belonging to the state fund, and all interest and dividends earned upon money belonging to the state fund are the sole property of the state fund and must be used exclusively for the operations and obligations of the state fund. The money collected by the state fund *for claims for injuries occurring on or after July 1, 1990, may not be used for any other purpose and may not be transferred by the legislature to other funds or used for other programs.* However, state fund money must be invested by the board of investments provided for in 2-15-1808, and subject to the investment agreement with the board of investments, the earnings on investments are the sole property of the state fund as provided in this section.

~~(2) The state fund shall pay to the general fund:~~

~~(a) \$10 million in the fiscal year ending June 30, 1998; and~~

~~(b) \$10 million in the fiscal year ending June 30, 1999.”~~

Section 3. Section 39-71-2322, MCA, is amended to read:

“39-71-2322. Money in state fund held in trust — disposition of funds upon repeal of chapter — ~~exception.~~ ~~Except as provided in 39-71-2320, the~~ The money coming into the state fund must be held in trust for the purpose for which the money was collected. If this chapter is repealed, the money is subject to the disposition provided by the legislature repealing this chapter. In the absence of a legislative provision, distribution must be in accordance with the justice of the matter, due regard being given to obligations of compensation incurred and existing.”

Section 4. Section 39-71-2327, MCA, is amended to read:

“39-71-2327. Earnings of state fund to be credited to fund — improper use a felony — ~~exception.~~ ~~Except as provided in 39-71-2320, all~~ All earnings made by the state fund by reason of interest paid for the deposit of funds or otherwise must be credited to and become a part of the fund, and the making of profit, either directly or indirectly, by any person out of the use of the fund is a felony. A person convicted of an offense under this section is punishable by imprisonment in the state prison for a term not to exceed 2 years or a fine of not more than \$5,000, or both.”

Section 5. Effective date. [This act] is effective on passage and approval.

Section 6. Applicability. [This act] applies to policies issued or renewed by the state fund on or after [the effective date of this act].

Ap proved May 9, 2003

CHAPTER NO. 604

[SB 395]

AN ACT PROVIDING FOR THE SPORT HUNTING OF WILD BUFFALO OR BISON AS A MANAGEMENT TOOL THROUGH ESTABLISHMENT OF A SPECIAL WILD BUFFALO OR BISON LICENSE; ESTABLISHING REGULATIONS RELATED TO THE SPECIAL WILD BUFFALO OR BISON LICENSE AND SETTING A PRICE FOR THE LICENSE; CLARIFYING DUTIES OF THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS IN ADMINISTERING THE SPECIAL WILD BUFFALO OR BISON LICENSE, INCLUDING CONSULTATION AND COOPERATION WITH THE DEPARTMENT OF LIVESTOCK IN DEVELOPING AND IMPLEMENTING RULES REGARDING THE SAFE HANDLING OF WILD BUFFALO OR BISON PARTS; AMENDING SECTIONS 81-2-120, 87-1-216, AND 87-2-701, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

WHEREAS, the Legislature intends that the provisions of the special wild buffalo or bison license be administered and implemented by the Department of Fish, Wildlife, and Parks, after consultation with the Department of Livestock, regarding the management of wild buffalo or bison that have been designated as a species in need of disease control.

Be it enacted by the Legislature of the State of Montana:

Section 1. Special wild buffalo license — regulation. (1) The public hunting of wild buffalo or bison that have been designated as a species in need of

disease control under 81-2-120 is permitted only when authorized by the department of livestock under the provisions set forth in 81-2-120.

(2) The department may issue special licenses to hunt wild buffalo or bison designated as a species in need of disease control when authorized by the department of livestock.

(3) The department shall adopt rules in cooperation with the department of livestock. The rules must provide for:

- (a) license drawing procedures;
- (b) drawing and application fees consistent with 87-2-113;
- (c) notification of license recipients as to when and where they may hunt, but notification may not include information regarding the actual physical location of a wild buffalo or bison other than the prescribed hunting district where the animal may be taken;
- (d) fair chase hunting of wild buffalo or bison, including requirements that hunting be conducted on foot and away from public roads and that there be no designation of specific wild buffalo or bison to be hunted;
- (e) means of taking and handling of carcasses in the field, which must include provisions for public safety because of the potential for the spread of infectious disease;
- (f) tagging requirements for carcasses, skulls, and hides;
- (g) possession limits;
- (h) requirements for transportation and exportation; and
- (i) requirements and criteria for authorization by the state veterinarian and the department of livestock of any public hunting.

Section 2. Section 81-2-120, MCA, is amended to read:

“81-2-120. Management of wild buffalo or bison for disease control.

(1) Whenever a publicly owned wild buffalo or bison from a herd that is infected with a dangerous disease enters the state of Montana on public or private land and the disease may spread to persons or livestock or whenever the presence of wild buffalo or bison may jeopardize Montana's compliance with other state-administered or federally administered livestock disease control programs, the department may, under a plan approved by the governor, use any feasible method in taking one or more of the following actions:

(a) The live wild buffalo or bison may be physically removed by the safest and most expeditious means from within the state boundaries, including but not limited to hazing and aversion tactics or capture, transportation, quarantine, or delivery to a department-approved slaughterhouse.

(b) The live wild buffalo or bison may be destroyed by the use of firearms. If a firearm cannot be used for reasons of public safety or regard for public or private property, the animal may be relocated to a place that is free from public or private hazards and destroyed by firearms or by a humane means of euthanasia.

(c) *The live wild buffalo or bison may be taken through limited public hunts pursuant to [section 1] when authorized by the state veterinarian and the department.*

~~(e)~~(d) The live wild buffalo or bison may be captured, tested, quarantined, and vaccinated. Wild buffalo or bison that are certified by the state veterinarian as brucellosis-free may be:

(i) sold to help defray the costs that the department incurs in building, maintaining, and operating necessary facilities related to the capture, testing, quarantine, or vaccination of the wild buffalo or bison; or

(ii) transferred to qualified tribal entities that participate in the disease control program provided for in this subsection ~~(1)(c)~~ ~~(1)(d)~~. Acquisition of wild buffalo or bison by a qualified tribal entity must be done in a manner that does not jeopardize compliance with a state-administered or federally administered livestock disease control program. The department may adopt rules consistent with this section governing tribal participation in the program or enter into cooperative agreements with tribal organizations for the purposes of carrying out the disease control program.

~~(d)(e)~~ Proceeds from the sale of live, brucellosis-free, vaccinated wild buffalo or bison must be deposited in the state special revenue fund to the credit of the department.

~~(e)(f)~~ Any revenue generated in excess of the costs referred to in subsection ~~(1)(c)(i)~~ ~~(1)(d)(i)~~ must be deposited in the state special revenue fund provided for in 87-1-513(2).

(2) Whenever the department is responsible for the death of a wild buffalo or bison, either purposefully or unintentionally, the carcass of the animal must be disposed of by the most economical means, including but not limited to burying, incineration, rendering, or field dressing for donation or delivery to a department-approved slaughterhouse or slaughter destination.

(3) In disposing of the carcass, the department:

(a) as first priority, may donate a wild buffalo or bison carcass to a charity or to an Indian tribal organization; or

(b) may sell a wild buffalo or bison carcass to help defray expenses of the department. If the carcass is sold in this manner, the department shall deposit any revenue derived from the sale of the wild buffalo or bison carcass to the state special revenue fund to the credit of the department.

(4) The department may adopt rules with regard to management of publicly owned wild buffalo or bison that enter Montana on private or public land and that are from a herd that is infected with a contagious disease that may spread to persons or livestock and may jeopardize compliance with other state-administered or federally administered livestock disease control programs."

Section 3. Section 87-1-216, MCA, is amended to read:

"87-1-216. Wild buffalo or bison as species in need of management — policy — department duties. (1) The legislature finds that significant potential exists for the spread of contagious disease to persons or livestock in Montana and for damage to persons and property by wild buffalo or bison. It is the purpose of this section:

(a) to designate publicly owned wild buffalo or bison originating from Yellowstone national park as a species requiring disease control;

(b) to designate other wild buffalo or bison as a species in need of management; and

(c) to set out specific duties for the department for management of the species.

(2) The department:

(a) is responsible for the management, including but not limited to public hunting, of wild buffalo or bison in this state that have not been exposed to or infected with a dangerous or contagious disease but may threaten persons or property;

(b) shall consult and coordinate with the department of livestock on implementation of the provisions of subsection (2)(a) to the extent necessary to ensure that wild buffalo or bison remain disease free; and

(c) shall cooperate with the department of livestock in managing publicly owned wild buffalo or bison that enter the state on public or private land from a herd that is infected with a dangerous disease, as provided in 81-2-120, under a plan approved by the governor. The department of livestock is authorized under the provisions of 81-2-120 to regulate publicly owned wild buffalo or bison in this state that pose a threat to persons or livestock in Montana through the transmission of contagious disease. *The department may, after agreement and authorization by the department of livestock, authorize the public hunting of wild buffalo or bison that have been exposed to or infected with a contagious disease, pursuant to [section 1].*

~~(3) The department and the department of livestock are strongly urged to enter into an agreement with the national park service for the long term management of the Yellowstone national park wild buffalo or bison herd. If the national park service does not proceed in good faith in a timely manner to enter a long term management agreement that, in the determination of the department and the department of livestock, responds adequately to the needs of Montana, the departments are strongly urged to take appropriate court action. The department and the department of livestock shall prepare a joint report to the 55th legislature regarding the present state of wild buffalo or bison management in Montana and any progress on an agreement for the long term management of the Yellowstone national park herd.~~

~~(4)~~(3) The department may adopt rules with regard to wild buffalo or bison that have not been exposed to or infected with a contagious disease but are in need of management because of potential damage to person or property.

(4) When adopting and implementing rules regarding the special wild buffalo or bison license issued pursuant to [section 1], the department shall consult and cooperate with the department of livestock regarding when and where public hunting may be allowed and the safe handling of wild buffalo or bison parts in order to minimize the potential for spreading any contagious disease to persons or to livestock."

Section 4. Section 87-2-701, MCA, is amended to read:

"87-2-701. (Temporary) Special licenses. (1) An applicant who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued and is the holder of a resident wildlife conservation license or a nonresident wildlife conservation license may apply for a special license that, in the judgment of the department, is to be issued and shall pay the following fees:

- (a) moose—resident, \$75; nonresident, \$750;
- (b) mountain goat—resident, \$75; nonresident, \$750;
- (c) mountain sheep—resident, \$75; nonresident, \$750;
- (d) antelope—resident, \$11; nonresident, \$200;
- (e) grizzly bear—resident, \$50; nonresident, \$300;

(f) black bear—nonresident, \$350;

(g) *wild buffalo or bison—resident, \$75; nonresident, \$750.*

(2) If a holder of a valid special grizzly bear license who is 12 years of age or older kills a grizzly bear, the person shall purchase a trophy license for a fee of \$25 within 10 days after the date of the kill. The trophy license authorizes the holder to possess and transport the trophy.

(3) Special licenses must be issued in a manner prescribed by the department. (Terminates March 1, 2006—secs. 1, 2, Ch. 241, L. 1993.)

87-2-701. (Effective March 1, 2006) Special licenses. (1) An applicant who is 12 years of age or older or who will turn 12 years old before or during the season for which the license is issued and is the holder of a resident wildlife conservation license or a nonresident wildlife conservation license may apply for a special license that, in the judgment of the department, is to be issued and shall pay the following fees:

(a) moose—resident, \$75; nonresident, \$980;

(b) mountain goat—resident, \$75; nonresident, \$980;

(c) mountain sheep—resident, \$75; nonresident, \$980;

(d) antelope—resident, \$11; nonresident, \$180;

(e) grizzly bear—resident, \$50; nonresident, \$300;

(f) black bear—nonresident, \$330;

(g) *wild buffalo or bison—resident, \$75; nonresident, \$750.*

(2) If a holder of a valid special grizzly bear license who is 12 years of age or older kills a grizzly bear, the person shall purchase a trophy license for a fee of \$25 within 10 days after the date of the kill. The trophy license authorizes the holder to possess and transport the trophy.

(3) Special licenses must be issued in a manner prescribed by the department.”

Section 5. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 87, chapter 2, part 7, and the provisions of Title 87, chapter 2, part 7, apply to [section 1].

Section 6. Effective date. [This act] is effective on passage and approval.

Approved May 9, 2003

CHAPTER NO. 605

[SB 415]

AN ACT REVISING THE QUALIFICATIONS FOR A GOLF COURSE BEER AND WINE LICENSE; CHANGING THE REQUIREMENTS FOR NUMBER OF HOLES, COURSE LENGTH, AND PROXIMITY TO A MUNICIPALITY; AMENDING SECTION 16-4-109, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 16-4-109, MCA, is amended to read:

“16-4-109. Golf course beer and wine license. (1) Upon application, the department of revenue shall issue a retail beer and wine license, to be known as

a golf course beer and wine license, for use at a golf course. If the owner of the golf course is not the state, a unit of the university system, or a local government, to qualify for a license under this section:

(a) ~~(i)~~ the golf course must consist of at least ~~18~~ 9 holes and ~~6,000~~ 2,500 lineal yards;

~~(b)~~ ~~(ii)~~ the golf course must be either within the limits of an incorporated city or town or within ~~1 mile~~ 5 miles of the limits of an incorporated city or town; ~~and~~

~~(c)~~ ~~(iii)~~ the applicant for a license under this section may not have held a beer and wine or all-beverages license within 12 months of the date of application; *and*

(iv) the applicant shall pay an initial application fee of \$20,000; or

(b) (i) the golf course must consist of at least 9 holes and 2,500 lineal yards;

(ii) the governing body of the golf course is incorporated under section 501(c)(3) of the Internal Revenue Code;

(iii) the golf course must be within 5 miles of the limits of an incorporated city or town; and

(iv) the applicant for a license under this section may not have held a beer and wine or all-beverages license within 12 months of the date of application.

(2) The application must be made by the person or entity that owns and operates the golf course. If the owner of the golf course is not the state, a unit of the university system, or a local government, the owner must be approved by the department as provided in this chapter for the issuance of beer licenses.

(3) (a) Except as provided in subsection (3)(c), a golf course beer and wine license and all retail beer and wine sales under the license are subject to all statutes and rules governing a retail beer license with a wine license amendment.

(b) If the owner of the golf course is not the state, a unit of the university system, or a local government:

(i) retail beer and wine sales may be made only during the time of the year that the golf course is open for business, and sales on days during that time must stop by 1 hour after sunset;

(ii) the seating capacity of the premises where the beer and wine are sold may not exceed 75 persons; and

(iii) gaming or gambling is not authorized under the license issued under this section.

(c) If the owner of a golf course is the state, a unit of the university system, or a local government, the owner may lease the beer and wine license for use at the golf course to an individual or entity approved by the department of revenue.

(4) The department of revenue shall issue a golf course beer and wine license to a qualified applicant regardless of the number of beer and wine licenses already issued within the beer and wine license quota area in which the golf course is situated. A license issued pursuant to this section is nontransferable."

Section 2. Effective Date. [This act] is effective on passage and approval.

Section 3. Applicability. [This act] applies to license applications filed on or after [the effective date of this act].

Approved May 9, 2003

CHAPTER NO. 606

[SB 461]

AN ACT TO MITIGATE THE EFFECTS OF THE PERIODIC PROPERTY TAX REVALUATION CYCLE THAT BEGINS IN 2003; DECREASING THE CLASS FOUR PROPERTY TAX RATE FROM 3.46 PERCENT TO 3.01 PERCENT OVER A 6-YEAR PERIOD; PROVIDING RATE ADJUSTMENTS TO CLASS FOUR PROPERTY TAX RATES FOR CERTAIN RESIDENCES WITH EXTRAORDINARY INCREASES IN MARKET VALUE; ESTABLISHING NEW CLASS FOUR PROPERTY TAX EXEMPTION RATES FOR RESIDENTIAL PROPERTY AND COMMERCIAL AND INDUSTRIAL PROPERTY THAT ADJUST THE EXEMPT PERCENTAGE OF VALUE OVER 6 YEARS; PROVIDING AN EXTENSION OF 2003 ADMINISTRATIVE DEADLINES RELATING TO PROPERTY TAXATION; PROVIDING FOR AN INTERIM PROPERTY TAX REAPPRAISAL STUDY COMMITTEE AND A TAX REFORM STUDY COMMITTEE; PROVIDING AN APPROPRIATION; AMENDING SECTIONS 15-6-134, 15-6-201, AND 15-7-111, MCA; AND PROVIDING EFFECTIVE DATES, APPLICABILITY DATES, AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Extended property tax assistance — phase in. (1) For the purpose of mitigating extraordinary market value increases during the revaluation cycle that ended December 31, 2002, the rate of taxation of class four residential dwellings and appurtenant land not to exceed 5 acres otherwise set in 15-6-134(2)(a) is adjusted in this section for properties with extraordinary increases in market value with owners that meet income requirements.

(2) An annual application on a form provided by the department is required to receive a tax rate adjustment under this section. The application must be signed under oath. A tax rate adjustment may be granted only for the current tax year and may not be granted for a previous year.

(3) A rate adjustment may not be granted for:

(a) any property that was sold or for which the ownership was changed after December 31, 2002, unless the change in ownership is between husband and wife or parent and child with only nominal actual consideration or the change is pursuant to a divorce decree;

(b) the value of new construction, including remodeling, on the property occurring after December 31, 2002, that is greater than 25% of the market value of the improvements; or

(c) a land use change occurring after December 31, 2002, that increases the market value of the land by more than 25%.

(4) For the purposes of determining the adjustment in the class four property tax rate in this section, the following provisions apply:

(a) The change in taxable value before reappraisal is the 2002 tax year value adjusted for any new construction or destruction that occurred in the 2002 tax year. The taxable value before reappraisal for the 2003 tax year and subsequent years is the same as the 2002 tax year value if no new construction, destruction, land splits, land use changes, land reclassifications, land productivity changes, improvement grade changes, or other changes are made to the property during 2002 or subsequent tax years.

(b) The percentage increase in taxable value is measured as the percentage change in taxable value before reappraisal to the taxable value after reappraisal. The taxable value before reappraisal is calculated by multiplying the value before reappraisal in 2003 times 0.69 times 0.0346. The taxable value after reappraisal is calculated by multiplying the 2003 market value after reappraisal times 0.66 times 0.0301.

(c) The dollar increase in tax liability is measured as the change in tax liability before reappraisal to the tax liability after reappraisal. The tax liability before reappraisal is calculated by multiplying the value before reappraisal in 2003 times 0.69 times 0.0346 times the tax year 2002 mill levy applied to the property. The tax liability after reappraisal is calculated by multiplying the 2003 market value after reappraisal times 0.66 times 0.0301 times the tax year 2002 mill levy applied to the property. The tax year 2002 mill levy is the total of all mills applied to the property for fiscal year 2003.

(d) Total household income is the sum of the income of all members of the household and all other persons who are owners of the property. Income, as used in this section, includes income from all sources, including net business income and otherwise tax-exempt income of all types but not including social security income paid directly to a nursing home. Net business income is gross income less ordinary expenses but before deducting depreciation or depletion allowance, or both. For an entity, as defined in subsection (8), income also includes the income of any natural person or entity that is a trustee of or controls 25% or more of the entity. A household is an association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses. For single-family rental dwellings, total household income does not include the income of the tenant.

(e) The phase-in value is the valuation change made pursuant to 15-7-111(3) since the last reappraisal.

(5) (a) If total household income is \$25,000 or less, the percentage increase in taxable value is greater than 24%, and the dollar increase in taxable liability is \$250 or greater, then the property qualifies for an adjusted tax rate as follows:

(i) For tax year 2003, the tax rate is 0.03598 times the value before reappraisal divided by the 2003 phase-in value.

(ii) For tax year 2004, the tax rate is 0.03759 times the value before reappraisal divided by the 2004 phase-in value.

(iii) For tax year 2005, the tax rate is 0.03932 times the value before reappraisal divided by the 2005 phase-in value.

(iv) For tax year 2006, the tax rate is 0.04109 times the value before reappraisal divided by the 2006 phase-in value.

(v) For tax year 2007, the tax rate is 0.04289 times the value before reappraisal divided by the 2007 phase-in value.

(vi) For tax year 2008 and after, the tax rate is 0.04485 times the value before reappraisal divided by the 2008 phase-in value.

(b) If total household income is greater than \$25,000 but less than or equal to \$50,000, the percentage increase in taxable value is greater than 30%, and the dollar increase in taxable liability is \$250 or greater, then the property qualifies for an adjusted tax rate as follows:

(i) For tax year 2003, the tax rate is 0.03633 times the value before reappraisal divided by the 2003 phase-in value.

(ii) For tax year 2004, the tax rate is 0.03828 times the value before reappraisal divided by the 2004 phase-in value.

(iii) For tax year 2005, the tax rate is 0.04038 times the value before reappraisal divided by the 2005 phase-in value.

(iv) For tax year 2006, the tax rate is 0.04251 times the value before reappraisal divided by the 2006 phase-in value.

(v) For tax year 2007, the tax rate is 0.04467 times the value before reappraisal divided by the 2007 phase-in value.

(vi) For tax year 2008 and after, the tax rate is 0.04702 times the value before reappraisal divided by the 2008 phase-in value.

(c) If total household income is greater than \$50,000 but less than or equal to \$75,000, the percentage increase in taxable value is greater than 36%, and the dollar increase in taxable liability is \$250 or greater, then the property qualifies for an adjusted tax rate as follows:

(i) For tax year 2003, the tax rate is 0.03668 times the value before reappraisal divided by the 2003 phase-in value.

(ii) For tax year 2004, the tax rate is 0.03898 times the value before reappraisal divided by the 2004 phase-in value.

(iii) For tax year 2005, the tax rate is 0.04143 times the value before reappraisal divided by the 2005 phase-in value.

(iv) For tax year 2006, the tax rate is 0.04392 times the value before reappraisal divided by the 2006 phase-in value.

(v) For tax year 2007, the tax rate is 0.04646 times the value before reappraisal divided by the 2007 phase-in value.

(vi) For tax year 2008 and after, the tax rate is 0.04919 times the value before reappraisal divided by the 2008 phase-in value.

(d) The adjusted tax rate computed under this subsection (5) must be rounded to the nearest 1/100 of 1%.

(6) A person who applies for a tax rate adjustment under this section shall provide the department with documentation of total household income and other information that the department considers necessary to determine the person's eligibility for the tax rate adjustment. Documents provided to the department to determine eligibility for a tax rate adjustment are subject to the confidentiality provisions in 15-30-303.

(7) A person who applies for a tax rate adjustment and submits a false or fraudulent application for a tax rate adjustment is guilty of false swearing under 45-7-202.

(8) For the purposes of this section, "entity" means:

(a) a corporation, fiduciary, or pass-through entity, as those terms are defined in 15-30-101; and

(b) an association, joint-stock company, syndicate, trust or estate, or any other nonnatural person.

Section 2. Extended property tax assistance — phasein. (1) For the purpose of mitigating extraordinary market value increases during revaluation cycles that begin after December 31, 2008, the rate of taxation of class four residential dwellings and appurtenant land not to exceed 5 acres otherwise set

in 15-6-134(2)(a) is adjusted in this section for properties with extraordinary increases in market value with owners that meet income requirements.

(2) An annual application on a form provided by the department is required to receive a tax rate adjustment under this section. The application must be signed under oath. A tax rate adjustment may be granted only for the current tax year and may not be granted for a previous year.

(3) A rate adjustment may not be granted for:

(a) any property that was sold or for which the ownership was changed after December 31 of the last year of the previous revaluation cycle, unless the change in ownership is between husband and wife or parent and child with only nominal actual consideration or the change is pursuant to a divorce decree;

(b) the value of new construction, including remodeling, on the property occurring after December 31 of the last year of the previous revaluation cycle that is greater than 25% of the market value of the improvements; or

(c) a land use change occurring after December 31 of the last year of the previous revaluation cycle that increases the market value of the land by more than 25%.

(4) For the purposes of determining the adjustment in the class four property tax rate in this section, the following provisions apply for revaluation cycles beginning after December 31, 2008:

(a) (i) The percentage increase in taxable value is measured as the percentage change in taxable value before reappraisal to the taxable value after reappraisal. The taxable value before reappraisal is calculated by multiplying the value before reappraisal times the result of 1.00 minus the homestead exemption before reappraisal times the tax rate before reappraisal. The taxable value after reappraisal is calculated by multiplying the market value after reappraisal times the result of 1.00 minus the homestead exemption after reappraisal times the tax rate after reappraisal.

(ii) The tax rate before reappraisal is the tax rate that was in effect during the last year of the previous reappraisal cycle.

(iii) The tax rate after reappraisal is the tax rate that will be in effect during the last year of the current reappraisal cycle.

(iv) The homestead exemption before reappraisal is the homestead exemption that was in effect during the last year of the previous reappraisal cycle.

(v) The homestead exemption after reappraisal is the homestead exemption that will be in effect during the last year of the current reappraisal cycle.

(b) The dollar increase in tax liability is measured as the percentage change in tax liability before reappraisal to the tax liability after reappraisal. The tax liability before reappraisal is calculated by multiplying the value before reappraisal times the result of 1.00 minus the homestead exemption before reappraisal times the tax rate before reappraisal times the mill levy applied to the property before reappraisal. The tax liability after reappraisal is calculated by multiplying the market value after reappraisal times the result of 1.00 minus the homestead exemption after reappraisal times the tax rate after reappraisal times the mill levy applied to the property before reappraisal. The mill levy applied to property before reappraisal is the total of all mills applied to the property in the last year of the previous reappraisal cycle.

(c) Total household income is the sum of the income of all members of the household and all other persons who are owners of the property. Income, as used in this section, includes income from all sources, including net business income and otherwise tax-exempt income of all types but not including social security income paid directly to a nursing home. Net business income is gross income less ordinary expenses but before deducting depreciation or depletion allowance, or both. For an entity, as defined in subsection (8), income also includes the income of any natural person or entity that is a trustee of or controls 25% or more of the entity. A household is an association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses. For single-family rental dwellings, total household income does not include the income of the tenant.

(d) The phase-in value is the valuation change made pursuant to 15-7-111(3) since the last reappraisal.

(5) (a) If total household income is \$25,000 or less, the percentage increase in taxable value is greater than 24%, and the dollar increase in taxable liability is \$250 or greater, then the property qualifies for an adjusted tax rate. The adjusted tax rate must be calculated such that the total increase in taxable value over the reappraisal cycle is 24% and such that the change in taxable value is phased in over the reappraisal cycle in equal increments.

(b) If total household income is greater than \$25,000 but less than or equal to \$50,000, the percentage increase in taxable value is greater than 30%, and the dollar increase in taxable liability is \$250 or greater, then the property qualifies for an adjusted tax rate. The adjusted tax rate must be calculated such that the total increase in taxable value over the reappraisal cycle is 30% and such that the change in taxable value is phased in over the reappraisal cycle in equal increments.

(c) If total household income is greater than \$50,000 but less than or equal to \$75,000, the percentage increase in taxable value is greater than 30%, and the dollar increase in taxable liability is \$250 or greater, then the property qualifies for an adjusted tax rate. The adjusted tax rate will be calculated such that the total increase in taxable value over the reappraisal cycle is 36% and such that the change in taxable value is phased in over the reappraisal cycle in equal increments.

(d) The adjusted tax rate computed under this subsection (5) must be rounded to the nearest 1/100 of 1%.

(6) A person who applies for a tax rate adjustment under this section shall provide the department with documentation of total household income and other information that the department considers necessary to determine the person's eligibility for the tax rate adjustment. Documents provided to the department to determine eligibility for a tax rate adjustment are subject to the confidentiality provisions in 15-30-303.

(7) A person who applies for a tax rate adjustment and submits a false or fraudulent application for a tax rate adjustment is guilty of false swearing under 45-7-202.

(8) For the purposes of this section, "entity" means:

(a) a corporation, fiduciary, or pass-through entity, as those terms are defined in 15-30-101; and

(b) an association, joint-stock company, syndicate, trust or estate, or any other nonnatural person.

Section 3. Section 15-6-134, MCA, is amended to read:

"15-6-134. Class four property — description — taxable percentage.

(1) Class four property includes:

(a) subject to 15-6-201(1)(z) ~~and (1)(aa) and (1)(aa)~~ and subsections (1)(f) and (1)(g) of this section, all land, except that specifically included in another class;

(b) subject to 15-6-201(1)(z) ~~and (1)(aa) and (1)(aa)~~ and subsections (1)(f) and (1)(g) of this section, all improvements, including trailers, manufactured homes, or mobile homes used as a residence, except those specifically included in another class;

(c) the first \$100,000 or less of the taxable market value of any improvement on real property, including trailers, manufactured homes, or mobile homes, and appurtenant land not exceeding 5 acres owned or under contract for deed and actually occupied for at least 7 months a year as the primary residential dwelling of any person whose total income from all sources, including net business income and otherwise tax-exempt income of all types but not including social security income paid directly to a nursing home, is not more than \$15,000 for a single person or \$20,000 for a married couple or a head of household, as adjusted according to subsection (2)(b)(ii). For the purposes of this subsection (1)(c), net business income is gross income less ordinary operating expenses ~~but before deducting depreciation or depletion allowance, or both but before deducting depreciation or depletion allowance, or both.~~

(d) all golf courses, including land and improvements actually and necessarily used for that purpose, that consist of at least nine holes and not less than 700 lineal yards;

(e) subject to 15-6-201(1)(z), all improvements on land that is eligible for valuation, assessment, and taxation as agricultural land under 15-7-202, including 1 acre of real property beneath improvements on land described in 15-6-133(1)(c). The 1 acre must be valued at market value.

(f) (i) single-family residences, including trailers, manufactured homes, or mobile homes;

(ii) rental multifamily dwelling units;

(iii) appurtenant improvements to the residences or dwelling units, including the parcels of land upon which the residences and dwelling units are located and any leasehold improvements; and

(iv) vacant residential lots; and

(g) (i) commercial buildings and the parcels of land upon which they are situated; and

(ii) vacant commercial lots.

(2) Class four property is taxed as follows:

(a) ~~(i) Except as provided in 15-24-1402, 15-24-1501, and 15-24-1502, and subsection (2)(a)(ii) of this section,~~ property described in subsections (1)(a), (1)(b), (1)(e), (1)(f), and (1)(g) of this section is taxed at:

(i) ~~3.794%~~ 3.40% of its taxable market value in tax year ~~1999~~ 2003;

(ii) 3.3% of its taxable market value in tax year 2004;

(iii) 3.22% of its taxable market value in tax year 2005;

(iv) 3.14% of its taxable market value in tax year 2006;

(v) 3.07% of its taxable market value in tax year 2007; and

(vi) 3.01% of its taxable market value in tax years after 2007.

~~(ii) The taxable percentage rate in subsection (2)(a)(i) must be adjusted downward by subtracting 0.0835 percentage points each year until the tax rate is equal to or less than 3.46%.~~

(b) (i) Property qualifying under the property tax assistance program in subsection (1)(c) is taxed at the rate provided in subsection (2)(a)(ii) of its taxable market value multiplied by a percentage figure based on income and determined from the following table:

Income Single Person	Income Married Couple Head of Household	Percentage Multiplier
\$0 - \$ 6,000	\$0 - \$8,000	20%
6,001 - 9,200	8,001 - 14,000	50%
9,201 - 15,000	14,001 - 20,000	70%

(ii) The income levels contained in the table in subsection (2)(b)(i) must be adjusted for inflation annually by the department. The adjustment to the income levels is determined by:

(A) multiplying the appropriate dollar amount from the table in subsection (2)(b)(i) by the ratio of the PCE for the second quarter of the year prior to the year of application to the PCE for the second quarter of 1995; and

(B) rounding the product thus obtained to the nearest whole dollar amount.

(iii) "PCE" means the implicit price deflator for personal consumption expenditures as published quarterly in the Survey of Current Business by the bureau of economic analysis of the U.S. department of commerce.

(c) Property described in subsection (1)(d) is taxed at one-half the taxable percentage rate established in subsection (2)(a)(i).

(3) Within the meaning of comparable property, as defined in 15-1-101, property assessed as commercial property is comparable only to other property assessed as commercial property and property assessed as other than commercial property is comparable only to other property assessed as other than commercial property."

Section 4. Section 15-6-201, MCA, is amended to read:

"15-6-201. (Temporary) Exempt categories. (1) The following categories of property are exempt from taxation:

(a) except as provided in 15-24-1203, the property of:

(i) the United States, except:

(A) if congress passes legislation that allows the state to tax property owned by the federal government or an agency created by congress; or

(B) as provided in 15-24-1103;

(ii) the state, counties, cities, towns, and school districts;

(iii) irrigation districts organized under the laws of Montana and not operating for profit;

(iv) municipal corporations;

(v) public libraries; and

(vi) rural fire districts and other entities providing fire protection under Title 7, chapter 33;

(b) buildings, with land that they occupy and furnishings in the buildings, that are owned by a church and used for actual religious worship or for residences of the clergy, together with adjacent land reasonably necessary for convenient use of the buildings;

(c) property used exclusively for agricultural and horticultural societies, for educational purposes, and for nonprofit health care facilities, as defined in 50-5-101, licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3. A health care facility that is not licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3, is not exempt.

(d) property that is:

(i) owned and held by an association or corporation organized under Title 35, chapter 2, 3, 20, or 21;

(ii) devoted exclusively to use in connection with a cemetery or cemeteries for which a permanent care and improvement fund has been established as provided for in Title 35, chapter 20, part 3; and

(iii) not maintained and operated for private or corporate profit;

(e) subject to subsection (2), property that is owned or property that is leased from a federal, state, or local governmental entity by institutions of purely public charity if the property is directly used for purely public charitable purposes;

(f) evidence of debt secured by mortgages of record upon real or personal property in the state of Montana;

(g) public museums, art galleries, zoos, and observatories that are not used or held for private or corporate profit;

(h) all household goods and furniture, including but not limited to clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence;

(i) truck canopy covers or toppers and campers;

(j) a bicycle, as defined in 61-1-123, used by the owner for personal transportation purposes;

(k) motor homes;

(l) all watercraft;

(m) motor vehicles, land, fixtures, buildings, and improvements owned by a cooperative association or nonprofit corporation organized to furnish potable water to its members or customers for uses other than the irrigation of agricultural land;

(n) the right of entry that is a property right reserved in land or received by mesne conveyance (exclusive of leasehold interests), devise, or succession to enter land with a surface title that is held by another to explore, prospect, or dig for oil, gas, coal, or minerals;

(o) (i) property that is owned and used by a corporation or association organized and operated exclusively for the care of persons with developmental disabilities, persons with mental illness, or persons with physical or mental

impairments that constitute or result in substantial impediments to employment and that is not operated for gain or profit; and

(ii) property that is owned and used by an organization owning and operating facilities that are for the care of the retired, aged, or chronically ill and that are not operated for gain or profit;

(p) all farm buildings with a market value of less than \$500 and all agricultural implements and machinery with a market value of less than \$100;

(q) property owned by a nonprofit corporation that is organized to provide facilities primarily for training and practice for or competition in international sports and athletic events and that is not held or used for private or corporate gain or profit. For purposes of this subsection (1)(q), "nonprofit corporation" means an organization that is exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and admitted under the Montana Nonprofit Corporation Act.

(r) (i) the first \$15,000 or less of market value of tools owned by the taxpayer that are customarily hand-held and that are used to:

(A) construct, repair, and maintain improvements to real property; or

(B) repair and maintain machinery, equipment, appliances, or other personal property;

(ii) space vehicles and all machinery, fixtures, equipment, and tools used in the design, manufacture, launch, repair, and maintenance of space vehicles that are owned by businesses engaged in manufacturing and launching space vehicles in the state or that are owned by a contractor or subcontractor of that business and that are directly used for space vehicle design, manufacture, launch, repair, and maintenance;

(s) harness, saddlery, and other tack equipment;

(t) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in 33-25-105;

(u) timber as defined in 15-44-102;

(v) all trailers as defined in 61-1-111, semitrailers as defined in 61-1-112, pole trailers as defined in 61-1-114, and travel trailers as defined in 61-1-131;

(w) all vehicles registered under 61-3-456;

(x) (i) buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors, including buses, trucks, and truck tractors apportioned under Title 61, chapter 3, part 7; and

(ii) personal property that is attached to a bus, truck, or truck tractor that is exempt under subsection (1)(x)(i);

(y) motorcycles and quadricycles;

(z) the ~~following~~ following percentage of the market value of ~~residential~~ residential property as described in ~~15-6-134(1)(e) and (1)(f)~~ 15-6-134(1)(e) and (1)(f):

(i) 23% for tax year 2000;

(ii) 27.5% for tax year 2001; and

(iii) 31% for tax year 2002 and succeeding tax years;

(aa) the following percentage of the market value of commercial property as described in ~~15-6-134(1)(g)~~:

- ~~(i) 9% for tax year 2000;~~
 - ~~(ii) 11% for tax year 2001; and~~
 - ~~(iii) 13% for tax year 2002 and succeeding tax years;~~
 - (i) 31% for tax year 2003;
 - (ii) 31.4% for tax year 2004;
 - (iii) 32% for tax year 2005;
 - (iv) 32.6% for tax year 2006;
 - (v) 33.2% for tax year 2007;
 - (vi) 34% for tax year 2008 and succeeding tax years;
 - (aa) the following percentage of the market value of commercial property as described in 15-6-134(1)(g):
 - (i) 13% for tax year 2003;
 - (ii) 13.3% for tax year 2004;
 - (iii) 13.8% for tax year 2005;
 - (iv) 14.2% for tax year 2006;
 - (v) 14.6% for tax year 2007;
 - (vi) 15% for tax year 2008 and succeeding tax years;
 - ~~(bb)~~(bb) personal property used by an industrial dairy or an industrial milk processor and dairy livestock used by an industrial dairy;
 - ~~(cc)~~(cc) items of personal property intended for rent or lease in the ordinary course of business if each item of personal property satisfies all of the following:
 - (i) the acquired cost of the personal property is less than \$15,000;
 - (ii) the personal property is owned by a business whose primary business income is from rental or lease of personal property to individuals and no one customer of the business accounts for more than 10% of the total rentals or leases during a calendar year; and
 - (iii) the lease of the personal property is generally on an hourly, daily, or weekly basis;
 - ~~(dd)~~(dd) all manufacturing machinery, fixtures, equipment, and tools used for the production of ethanol from grain during the course of the construction of an ethanol manufacturing facility and for 10 years after completion of construction of the manufacturing facility; and
 - ~~(ee)~~(ee) light vehicles as defined in 61-1-139.
- (2) (a) For the purposes of subsection (1)(e):
- (i) the term "institutions of purely public charity" includes any organization that meets the following requirements:
 - (A) The organization offers its charitable goods or services to persons without regard to race, religion, creed, or gender and qualifies as a tax-exempt organization under the provisions of section 501(c)(3), Internal Revenue Code, as amended.
 - (B) The organization accomplishes its activities through absolute gratuity or grants. However, the organization may solicit or raise funds by the sale of merchandise, memberships, or tickets to public performances or entertainment or by other similar types of fundraising activities.

(ii) agricultural property owned by a purely public charity is not exempt if the agricultural property is used by the charity to produce unrelated business taxable income as that term is defined in section 512 of the Internal Revenue Code, 26 U.S.C. 512. A public charity claiming an exemption for agricultural property shall file annually with the department a copy of its federal tax return reporting any unrelated business taxable income received by the charity during the tax year, together with a statement indicating whether the exempt property was used to generate any unrelated business taxable income.

(b) For the purposes of subsection (1)(g), the term “public museums, art galleries, zoos, and observatories” means governmental entities or nonprofit organizations whose principal purpose is to hold property for public display or for use as a museum, art gallery, zoo, or observatory. The exempt property includes all real and personal property reasonably necessary for use in connection with the public display or observatory use. Unless the property is leased for a profit to a governmental entity or nonprofit organization by an individual or for-profit organization, real and personal property owned by other persons is exempt if it is:

(i) actually used by the governmental entity or nonprofit organization as a part of its public display;

(ii) held for future display; or

(iii) used to house or store a public display.

(3) For the purposes of subsection ~~(1)(bb)~~ (1)(bb):

(a) “industrial dairy” means a large-scale dairy operation with 1,000 or more milking cows and includes the dairy livestock and integral machinery and equipment that the dairy uses to produce milk and milk products solely for export from the state, either directly by the dairy or after the milk or milk product has been further processed by an industrial milk processor. After export, any unprocessed milk must be further processed into other dairy products.

(b) “industrial milk processor” means a facility and integral machinery used solely to process milk into milk products for export from the state.

(4) The following portions of the appraised value of a capital investment in a recognized nonfossil form of energy generation or low emission wood or biomass combustion devices, as defined in 15-32-102, are exempt from taxation for a period of 10 years following installation of the property:

(a) \$20,000 in the case of a single-family residential dwelling;

(b) \$100,000 in the case of a multifamily residential dwelling or a nonresidential structure.

15-6-201. (Effective on occurrence of contingency) Exempt categories. (1) The following categories of property are exempt from taxation:

(a) except as provided in 15-24-1203, the property of:

(i) the United States, except:

(A) if congress passes legislation that allows the state to tax property owned by the federal government or an agency created by congress; or

(B) as provided in 15-24-1103;

(ii) the state, counties, cities, towns, and school districts;

(iii) irrigation districts organized under the laws of Montana and not operating for profit;

(iv) municipal corporations;

(v) public libraries; and

(vi) rural fire districts and other entities providing fire protection under Title 7, chapter 33;

(b) buildings, with land that they occupy and furnishings in the buildings, that are owned by a church and used for actual religious worship or for residences of the clergy, together with adjacent land reasonably necessary for convenient use of the buildings;

(c) property used exclusively for agricultural and horticultural societies, for educational purposes, and for nonprofit health care facilities, as defined in 50-5-101, licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3. A health care facility that is not licensed by the department of public health and human services and organized under Title 35, chapter 2 or 3, is not exempt.

(d) property that is:

(i) owned and held by an association or corporation organized under Title 35, chapter 2, 3, 20, or 21;

(ii) devoted exclusively to use in connection with a cemetery or cemeteries for which a permanent care and improvement fund has been established as provided for in Title 35, chapter 20, part 3; and

(iii) not maintained and operated for private or corporate profit;

(e) subject to subsection (2), property that is owned or property that is leased from a federal, state, or local governmental entity by institutions of purely public charity if the property is directly used for purely public charitable purposes;

(f) evidence of debt secured by mortgages of record upon real or personal property in the state of Montana;

(g) public museums, art galleries, zoos, and observatories that are not used or held for private or corporate profit;

(h) all household goods and furniture, including but not limited to clocks, musical instruments, sewing machines, and wearing apparel of members of the family, used by the owner for personal and domestic purposes or for furnishing or equipping the family residence;

(i) truck canopy covers or toppers and campers;

(j) a bicycle, as defined in 61-1-123, used by the owner for personal transportation purposes;

(k) motor homes;

(l) all watercraft;

(m) motor vehicles, land, fixtures, buildings, and improvements owned by a cooperative association or nonprofit corporation organized to furnish potable water to its members or customers for uses other than the irrigation of agricultural land;

(n) the right of entry that is a property right reserved in land or received by mesne conveyance (exclusive of leasehold interests), devise, or succession to

enter land with a surface title that is held by another to explore, prospect, or dig for oil, gas, coal, or minerals;

(o) (i) property that is owned and used by a corporation or association organized and operated exclusively for the care of persons with developmental disabilities, persons with mental illness, or persons with physical or mental impairments that constitute or result in substantial impediments to employment and that is not operated for gain or profit; and

(ii) property that is owned and used by an organization owning and operating facilities that are for the care of the retired, aged, or chronically ill and that are not operated for gain or profit;

(p) all farm buildings with a market value of less than \$500 and all agricultural implements and machinery with a market value of less than \$100;

(q) property owned by a nonprofit corporation that is organized to provide facilities primarily for training and practice for or competition in international sports and athletic events and that is not held or used for private or corporate gain or profit. For purposes of this subsection (1)(q), "nonprofit corporation" means an organization that is exempt from taxation under section 501(c) of the Internal Revenue Code and incorporated and admitted under the Montana Nonprofit Corporation Act.

(r) (i) the first \$15,000 or less of market value of tools owned by the taxpayer that are customarily hand-held and that are used to:

(A) construct, repair, and maintain improvements to real property; or

(B) repair and maintain machinery, equipment, appliances, or other personal property;

(ii) space vehicles and all machinery, fixtures, equipment, and tools used in the design, manufacture, launch, repair, and maintenance of space vehicles that are owned by businesses engaged in manufacturing and launching space vehicles in the state or that are owned by a contractor or subcontractor of that business and that are directly used for space vehicle design, manufacture, launch, repair, and maintenance;

(s) harness, saddlery, and other tack equipment;

(t) a title plant owned by a title insurer or a title insurance producer, as those terms are defined in 33-25-105;

(u) timber as defined in 15-44-102;

(v) all trailers as defined in 61-1-111, semitrailers as defined in 61-1-112, pole trailers as defined in 61-1-114, and travel trailers as defined in 61-1-131;

(w) all vehicles registered under 61-3-456;

(x) (i) buses, trucks having a manufacturer's rated capacity of more than 1 ton, and truck tractors, including buses, trucks, and truck tractors apportioned under Title 61, chapter 3, part 7; and

(ii) personal property that is attached to a bus, truck, or truck tractor that is exempt under subsection (1)(x)(i);

(y) motorcycles and quadricycles;

(z) the ~~following~~ following percentage of the market value of ~~residential~~ residential property as described in ~~15-6-134(1)(e) and (1)(f)~~ 15-6-134(1)(e) and (1)(f):

~~(i) 23% for tax year 2000;~~

- ~~(ii)~~ 27.5% for tax year 2001; and
- ~~(iii)~~ 31% for tax year 2002 and succeeding tax years;
- ~~(aa)~~ the following percentage of the market value of commercial property as described in 15-6-134(1)(g):
 - ~~(i)~~ 9% for tax year 2000;
 - ~~(ii)~~ 11% for tax year 2001; and
 - ~~(iii)~~ 13% for tax year 2002 and succeeding tax years;
 - (i) 31% for tax year 2003;
 - (ii) 31.4% for tax year 2004;
 - (iii) 32% for tax year 2005;
 - (iv) 32.6% for tax year 2006;
 - (v) 33.2% for tax year 2007;
 - (vi) 34% for tax year 2008 and succeeding tax years;
- ~~(aa)~~ the following percentage of the market value of commercial property as described in 15-6-134(1)(g):
 - (i) 13% for tax year 2003;
 - (ii) 13.3% for tax year 2004;
 - (iii) 13.8% for tax year 2005;
 - (iv) 14.2% for tax year 2006;
 - (v) 14.6% for tax year 2007;
 - (vi) 15% for tax year 2008 and succeeding tax years;
- ~~(bb)~~(bb) personal property used by an industrial dairy or an industrial milk processor and dairy livestock used by an industrial dairy;
- ~~(cc)~~(cc) items of personal property intended for rent or lease in the ordinary course of business if each item of personal property satisfies all of the following:
 - (i) the acquired cost of the personal property is less than \$15,000;
 - (ii) the personal property is owned by a business whose primary business income is from rental or lease of personal property to individuals and no one customer of the business accounts for more than 10% of the total rentals or leases during a calendar year; and
 - (iii) the lease of the personal property is generally on an hourly, daily, or weekly basis;
- ~~(dd)~~(dd) all agricultural implements and equipment;
- ~~(ee)~~(ee) all mining machinery, fixtures, equipment, tools, and supplies except those included in class five;
- ~~(ff)~~(ff) all manufacturing machinery, fixtures, equipment, tools, and supplies except those included in class five;
- ~~(gg)~~(gg) all goods and equipment that are intended for rent or lease, except goods and equipment that are specifically included and taxed in another class;
- ~~(hh)~~(hh) special mobile equipment as defined in 61-1-104;
- ~~(ii)~~(ii) furniture, fixtures, and equipment, except that specifically included in another class, used in commercial establishments as defined in this section;

- ~~(jj)~~(jj) x-ray and medical and dental equipment;
- ~~(kk)~~(kk) citizens' band radios and mobile telephones;
- ~~(ll)~~(ll) radio and television broadcasting and transmitting equipment;
- ~~(mm)~~(mm) cable television systems;
- ~~(nn)~~(nn) coal and ore haulers;
- ~~(oo)~~(oo) theater projectors and sound equipment; and
- ~~(pp)~~(pp) light vehicles as defined in 61-1-139.

(2) (a) For the purposes of subsection (1)(e):

(i) the term "institutions of purely public charity" includes any organization that meets the following requirements:

(A) The organization offers its charitable goods or services to persons without regard to race, religion, creed, or gender and qualifies as a tax-exempt organization under the provisions of section 501(c)(3), Internal Revenue Code, as amended.

(B) The organization accomplishes its activities through absolute gratuity or grants. However, the organization may solicit or raise funds by the sale of merchandise, memberships, or tickets to public performances or entertainment or by other similar types of fundraising activities.

(ii) agricultural property owned by a purely public charity is not exempt if the agricultural property is used by the charity to produce unrelated business taxable income as that term is defined in section 512 of the Internal Revenue Code, 26 U.S.C. 512. A public charity claiming an exemption for agricultural property shall file annually with the department a copy of its federal tax return reporting any unrelated business taxable income received by the charity during the tax year, together with a statement indicating whether the exempt property was used to generate any unrelated business taxable income.

(b) For the purposes of subsection (1)(g), the term "public museums, art galleries, zoos, and observatories" means governmental entities or nonprofit organizations whose principal purpose is to hold property for public display or for use as a museum, art gallery, zoo, or observatory. The exempt property includes all real and personal property reasonably necessary for use in connection with the public display or observatory use. Unless the property is leased for a profit to a governmental entity or nonprofit organization by an individual or for-profit organization, real and personal property owned by other persons is exempt if it is:

(i) actually used by the governmental entity or nonprofit organization as a part of its public display;

(ii) held for future display; or

(iii) used to house or store a public display.

(3) For the purposes of subsection ~~(1)(bb)~~(1)(bb):

(a) "industrial dairy" means a large-scale dairy operation with 1,000 or more milking cows and includes the dairy livestock and integral machinery and equipment that the dairy uses to produce milk and milk products solely for export from the state, either directly by the dairy or after the milk or milk product has been further processed by an industrial milk processor. After export, any unprocessed milk must be further processed into other dairy products.

(b) "industrial milk processor" means a facility and integral machinery used solely to process milk into milk products for export from the state.

(4) The following portions of the appraised value of a capital investment in a recognized nonfossil form of energy generation or low emission wood or biomass combustion devices, as defined in 15-32-102, are exempt from taxation for a period of 10 years following installation of the property:

(a) \$20,000 in the case of a single-family residential dwelling;

(b) \$100,000 in the case of a multifamily residential dwelling or a nonresidential structure."

Section 5. Section 15-7-111, MCA, is amended to read:

"15-7-111. Periodic revaluation of certain taxable property. (1) The department shall administer and supervise a program for the revaluation of all taxable property within classes three, four, and ten. All other property must be revalued annually. ~~The revaluation of class three, four, and ten property is complete on December 31, 1996. The amount of the change in valuation from the 1996 base year for each property in classes three, four, and ten must be phased in each year at the rate of 25% of the change in valuation from December 31, 1998, to the appropriate percentage of taxable market value for each class.~~

(2) The department shall value and phase in the value of newly constructed, remodeled, or reclassified property in a manner consistent with the valuation within the same class and the values established pursuant to subsection (1). The department shall adopt rules for determining the assessed valuation and phased-in value of new, remodeled, or reclassified property within the same class.

(3) ~~Beginning January 1, 2001, the~~ The department of revenue shall administer and supervise a program for the revaluation of all taxable property within classes three, four, and ten. A comprehensive written reappraisal plan must be promulgated by the department. The reappraisal plan adopted must provide that all class three, four, and ten property in each county is revalued by January 1, ~~2003~~ 2008, effective for January 1, 2009, and each succeeding 6 years. The resulting valuation changes must be phased in for each year until the next reappraisal. If a percentage of change for each year is not established, then the percentage of phasein for each year is 16.66%. ~~The department shall furnish a copy of the plan and all amendments to the plan to the board of county commissioners of each county."~~

Section 6. Extension of 2003 deadlines relating to property taxation. As a result of the change in the phasein of reappraisal for class three, four, and ten property enacted by the 58th legislature, it may not be possible to comply with certain statutory deadlines relating to appraisals, assessments, reimbursements, budgets, and collection of property taxes. The state appraisal and assessment process may be delayed, which in turn may cause delays for the tax appeal boards and local government taxing jurisdiction budgeting and collection processes. Therefore, for tax year 2003, all deadlines are extended as necessary and reasonable, except that the time limits allowed for filing an appeal remain the same as provided by law in order to allow for the orderly and efficient assessment and collection of taxes.

Section 7. Interim property tax reappraisal and tax reform study committees. (1) (a) There is an interim property tax reappraisal study committee created to study the effects of cyclical reappraisal and methods for mitigating the changes in taxable value caused by cyclical reappraisal.

(b) The committee is composed of four senators, two from each political party, appointed by the committee on committees, and four representatives, two appointed by the speaker and two appointed by the minority leader.

(2) (a) There is an interim tax reform study committee created to study tax reform that may include revising the existing tax structure and considering alternative forms of taxation. The members must include:

(i) four senators, two from each political party, appointed by the committee on committees;

(ii) four representatives, two appointed by the speaker and two appointed by the minority leader; and

(iii) the following members appointed by the governor:

(A) one representative of small business;

(B) one representative of large industry;

(C) one representative of agriculture; and

(D) one representative of labor.

(b) The members of the committee shall select a presiding officer and may appoint other officers as considered necessary.

(c) The committee shall adopt rules of procedure for conducting meetings.

(d) The purpose of the committee is to conduct a comprehensive examination of taxation in Montana. The committee shall:

(i) develop an inventory of taxes imposed at the state and local level, including but not limited to:

(A) the taxation of property;

(B) the taxation of income;

(C) excise and use taxes; and

(D) taxation of natural resource production, including energy production and transmission;

(ii) provide analyses that evaluate existing taxes in terms of:

(A) their adequacy, efficiency, burden or incidence, fairness, ability to be exported, and effect on economic behavior, including their effect on individual and business decisions; and

(B) costs of administration and compliance;

(iii) examine tax expenditures to assess the ongoing merit of each expenditure; and

(iv) examine alternative methods of taxation from existing sources, as well as new sources of revenue, and evaluate the alternative methods and new sources according to the criteria described in subsection (2)(d)(ii).

(e) The committee shall solicit the knowledge and advice of economists, tax policy experts, and representatives of taxpayer groups, local governments, small business organizations, large industry, agriculture, and economic and business development organizations.

(3) The committees created in this section shall coordinate their work and shall report to each other after each meeting. The two committees shall meet together at least once every 6 months.

(4) The committees shall submit written reports to the legislature not later than December 1, 2004, that must include recommendations and proposed legislation, if legislation is considered necessary, to mitigate the effects of cyclical reappraisal and to provide tax reform for Montana.

(5) The committees are attached for administrative purposes only to the department of revenue to be staffed by the executive branch with the cooperation of the staff of the legislative branch.

(6) (a) Nonlegislative members of the tax reform study committee must be reimbursed in accordance with 2-18-501 through 2-18-503 for actual and necessary expenses incurred in attending meetings or conducting committee business.

(b) Legislators serving on the committees must be reimbursed and compensated as provided for in 5-2-302 for actual and necessary expenses incurred in attending meetings or conducting committee business.

(7) The members of the committees created in this section must be appointed by July 1, 2003.

Section 8. Appropriation. (1) The committees created in [section 7] may receive gifts, grants, and donations. The money received must be used for fulfilling the duties of the committees, for reimbursing the expenses of committee members, or for providing staff for the committees. The money received must be placed in a special revenue fund account to the credit of the department of revenue.

(2) In addition to any money received pursuant to subsection (1), there is appropriated \$60,000 from the general fund to the committees created in [section 7] for the biennium for the operating expenses and personnel expenses of the committees.

Section 9. Codification instruction. [Sections 1 and 2] are intended to be codified as an integral part of Title 15, chapter 6, part 1, and the provisions of Title 15, chapter 6, part 1, apply to [sections 1 and 2].

Section 10. Coordination instruction. If Senate Bill No. 126 and [this act] are both passed and approved, then the amendments contained in 15-6-201(1)(z) and (1)(aa) in [section 2 of Senate Bill No. 126] are void.

Section 11. Severability. If a part of [this act] is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

Section 12. Effective dates. (1) Except as provided in subsections (2) and (3), [this act] is effective on passage and approval.

(2) [Section 8] is effective July 1, 2003.

(3) [Section 2] is effective January 1, 2009.

Section 13. Applicability. (1) [Sections 1 and 3 through 5] apply retroactively, within the meaning of 1-2-109, to tax years beginning after December 31, 2002.

(2) [Section 2] applies to tax years beginning after December 31, 2008.

Section 14. Termination. [Section 1] terminates December 31, 2008.

Approved May 9, 2003

CHAPTER NO. 607

[SB 483]

AN ACT GENERALLY REVISING LAWS CONCERNING THE BUDGET AND BUDGET ANALYSIS; REQUIRING THE STATE TREASURER TO PROVIDE INFORMATION ON THE STATE WEBSITE ON HOW TO DONATE FUNDS TO ANY STATE FUNCTION; REQUIRING A POSITIVE GENERAL FUND ENDING BALANCE AT THE END OF A BIENNIUM; REVISING THE DEFINITION OF "PROJECTED GENERAL FUND BUDGET DEFICIT"; AND AMENDING SECTIONS 17-1-111, 17-7-102, 17-7-131, AND 17-7-140, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 17-1-111, MCA, is amended to read:

"17-1-111. General fiscal duties of state treasurer. (1) The state treasurer is the custodian of all money and securities of the state unless otherwise expressly provided by law.

(2) It is the duty of the state treasurer to:

(a) receive and account for all money belonging to the state, not expressly required by law to be received and kept by some other person;

(b) pay warrants out of the funds upon which they are drawn;

(c) upon payment of any warrant, record the receipt of the person to whom it is paid;

(d) keep an account of all money received and disbursed;

(e) at the request of either house of the legislature or of any legislative committee, give information in writing as to the condition of the treasury or on any subject relating to the duties of the office of state treasurer;

(f) superintend the fiscal concerns of the state;

(g) suggest plans for the improvement and management of the public revenue;

(h) keep an account of all warrants drawn upon the treasury and of other appropriation records that the treasurer determines to be essential for the support of the accounting records maintained in the department;

(i) keep a register of warrants, showing the fund upon which each warrant is drawn, each warrant's number, who received the warrant, and the date issued;

(j) require all persons who have received money belonging to the state but who have not accounted for it to settle their accounts;

(k) draw warrants on the state treasury for the payment of money directed by law to be paid out of the treasury, except that a warrant may not be drawn unless authorized by law;

(l) authenticate with the official seal of the state all warrants drawn and all copies of papers issued from the office of state treasurer;

(m) collect and pay into the state treasury all fees received; and

(n) discharge other duties as may be imposed upon the state treasurer by law; and

(o) provide information through the state's official internet website detailing how donations can be made to the state general fund or to any function of state government."

Section 2. Section 17-7-102, MCA, is amended to read:

“17-7-102. Definitions. As used in this chapter, the following definitions apply:

(1) “Additional services” means different services or more of the same services.

(2) “Agency” means all offices, departments, boards, commissions, institutions, universities, colleges, and any other person or any other administrative unit of state government that spends or encumbers public money by virtue of an appropriation from the legislature under 17-8-101.

(3) “Approving authority” means:

(a) the governor or the governor’s designated representative for executive branch agencies;

(b) the chief justice of the supreme court or the chief justice’s designated representative for judicial branch agencies;

(c) the speaker for the house of representatives;

(d) the president for the senate;

(e) appropriate legislative committees or a designated representative for legislative branch agencies; or

(f) the board of regents of higher education or its designated representative for the university system.

(4) “Base budget” means the resources for the operation of state government that are of an ongoing and nonextraordinary nature in the current biennium. The base budget *for the state general fund and state special revenue funds* may not exceed that level of funding authorized by the previous legislature.

(5) “Budget amendment” means a temporary appropriation as provided in Title 17, chapter 7, part 4.

(6) “Emergency” means a catastrophe, disaster, calamity, or other serious unforeseen and unanticipated circumstance that has occurred subsequent to the time that an agency’s appropriation was made, that was clearly not within the contemplation of the legislature and the governor, and that affects one or more functions of a state agency and the agency’s expenditure requirements for the performance of the function or functions.

(7) “Funds subject to appropriation” means those funds required to be paid out of the treasury as set forth in 17-8-101.

(8) “Necessary” means essential to the public welfare and of a nature that cannot wait until the next legislative session for legislative consideration.

(9) “New proposals” means requests to provide new nonmandated services, to change program services, to eliminate existing services, or to change sources of funding. For purposes of establishing the present law base, the distinction between new proposals and the adjustments to the base budget to develop the present law base is to be determined by the existence of constitutional or statutory requirements for the proposed expenditure. Any proposed increase or decrease that is not based on those requirements is considered a new proposal.

(10) “Present law base” means that level of funding needed under present law to maintain operations and services at the level authorized by the previous legislature, including but not limited to:

(a) changes resulting from legally mandated workload, caseload, or enrollment increases or decreases;

(b) changes in funding requirements resulting from constitutional or statutory schedules or formulas;

(c) inflationary or deflationary adjustments; and

(d) elimination of nonrecurring appropriations.

(11) "Program" means a principal organizational or budgetary unit within an agency.

(12) "Requesting agency" means the agency of state government that has requested a specific budget amendment.

(13) "University system unit" means the board of regents of higher education; office of the commissioner of higher education; university of Montana, with campuses at Missoula, Butte, Dillon, and Helena; Montana state university, with campuses at Bozeman, Billings, Havre, and Great Falls; the agricultural experiment station, with central offices at Bozeman; the forest and conservation experiment station, with central offices at Missoula; the cooperative extension service, with central offices at Bozeman; the bureau of mines and geology, with central offices at Butte; the fire services training school at Great Falls; and the community colleges at Miles City, Glendive, and Kalispell."

Section 3. Section 17-7-131, MCA, is amended to read:

"17-7-131. Legislative action — ending fund balance. (1) The presiding officers of the house of representatives and of the senate shall promptly refer the budgets and budget bills to the proper committees. The budget bill for the maintenance of the agencies of state government and the state institutions ~~shall~~ *must* be based upon the budget and proposed budget bill ~~so~~ submitted *at the request of the governor*. The legislature may amend the proposed budget bill, but it may not amend the proposed budget bill so as to affect either the obligations of the state or the payment of any salaries required to be paid by the constitution and laws of the state.

(2) *The adopted budget must be limited so that a positive ending general fund balance exists at the end of the biennium for which funds are appropriated."*

Section 4. Section 17-7-140, MCA, is amended to read:

"17-7-140. Reduction in spending. (1) (a) As the chief budget officer of the state, the governor shall ensure that the expenditure of appropriations does not exceed available revenue. Except as provided in subsection (2), in the event of a projected general fund budget deficit, the governor, taking into account the criteria provided in subsection (1)(b), shall direct agencies to reduce spending in an amount that ensures that the projected ending general fund balance for the biennium will be at least 1% of all general fund appropriations during the biennium. An agency may not be required to reduce general fund spending for any program, as defined in each general appropriations act, by more than 10% during a biennium. Departments or agencies headed by elected officials or the board of regents may not be required to reduce general fund spending by a percentage greater than the percentage of general fund spending reductions required for the total of all other executive branch agencies. The legislature may exempt from a reduction an appropriation item within a program or may direct that the appropriation item may not be reduced by more than 10%.

(b) The governor shall direct agencies to manage their budgets in order to reduce general fund expenditures. Prior to directing agencies to reduce spending as provided in subsection (1)(a), the governor shall direct each agency to analyze the nature of each program that receives a general fund appropriation to determine whether the program is mandatory or permissive and to analyze the impact of the proposed reduction in spending on the purpose of the program. An agency shall submit its analysis to the office of budget and program planning and shall at the same time provide a copy of the analysis to the legislative fiscal analyst. The office of budget and program planning shall review each agency's analysis, and the budget director shall submit to the governor a copy of the office of budget and program planning's recommendations for reductions in spending. The budget director shall provide a copy of the recommendations to the legislative fiscal analyst at the time that the recommendations are submitted to the governor and shall provide the legislative fiscal analyst with any proposed changes to the recommendations. The legislative finance committee shall meet within 20 days of the date that the proposed changes to the recommendations for reductions in spending are provided to the legislative fiscal analyst. The legislative fiscal analyst shall provide a copy of the legislative fiscal analyst's review of the proposed reductions in spending to the budget director at least 5 days before the meeting of the legislative finance committee. The committee may make recommendations concerning the proposed reductions in spending. The governor shall consider each agency's analysis and the recommendations of the office of budget and program planning and the legislative finance committee in determining the agency's reduction in spending. Reductions in spending must be designed to have the least adverse impact on the provision of services determined to be most integral to the discharge of the agency's statutory responsibilities.

(2) Reductions in spending for the following may not be directed by the governor:

- (a) payment of interest and principal on state debt;
- (b) the legislative branch;
- (c) the judicial branch;
- (d) the school BASE funding program, including special education; and
- (e) salaries of elected officials during their terms of office.

(3) (a) As used in this section, "projected general fund budget deficit" means an amount, certified by the budget director to the governor, by which the projected ending general fund balance for the biennium is less than:

(i) 2% of the general fund appropriations for the second fiscal year of the biennium *prior to October of the year preceding a legislative session*;

(ii) $3/4$ of 1% in October of the year preceding a legislative session;

(iii) $1/2$ of 1% in January of the year in which a legislative session is convened; and

(iv) $1/4$ of 1% in March of the year in which a legislative session is convened.

(b) In determining the amount of the projected general fund budget deficit, the budget director shall take into account revenue, established levels of appropriation, anticipated supplemental appropriations for school equalization aid, and anticipated reversions.

~~(b)~~(4) If the budget director determines that an amount of actual or projected receipts will result in an amount less than the amount projected to be received in the revenue estimate established pursuant to 5-18-107, the budget director shall notify the revenue and transportation interim committee of the estimated amount. Within 20 days of notification, the revenue and transportation interim committee shall provide the budget director with any recommendations concerning the amount. The budget director shall consider any recommendations of the revenue and transportation interim committee prior to certifying a projected general fund budget deficit to the governor."

Approved May 9, 2003

CHAPTER NO. 608

[SB 485]

AN ACT REVISING THE ALLOCATION AND USE OF A PORTION OF TOBACCO SETTLEMENT PROCEEDS FUNDS FOR THE BIENNIUM BEGINNING JULY 1, 2003; TRANSFERRING TOBACCO SETTLEMENT PROCEEDS FUNDS TO A PREVENTION AND STABILIZATION ACCOUNT IN THE STATE SPECIAL REVENUE FUND TO BE USED BY THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO FINANCE, ADMINISTER, AND PROVIDE HEALTH AND HUMAN SERVICES; AUTHORIZING THE USE OF TOBACCO SETTLEMENT PROCEEDS FUNDS TO PROVIDE MATCHING FUNDS FOR THE MEDICAID PROGRAM; ESTABLISHING THE PREVENTION AND STABILIZATION ACCOUNT AND ALLOCATING ACCOUNT PROCEEDS; APPROPRIATING FUNDS FROM THE PREVENTION AND STABILIZATION ACCOUNT; AMENDING SECTION 17-6-606, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 17-6-606, MCA, is amended to read:

"17-6-606. Tobacco settlement accounts — purpose — uses. (1) The purpose of this section is to dedicate a portion of the tobacco settlement proceeds to fund a statewide comprehensive tobacco disease prevention program designed to:

- (a) discourage children from starting use of tobacco;
- (b) assist adults in quitting use of tobacco;
- (c) provide funds for the children's health insurance program; ~~and~~
- (d) provide funds for the comprehensive health association programs; *and*
- (e) *fund human services programs.*

(2) An amount equal to 32% of the total yearly tobacco settlement proceeds received after June 30, 2003, must be deposited in a state special revenue account. Subject to subsection (5), the funds referred to in this subsection may be used only for funding a statewide tobacco prevention program designed to prevent children from starting tobacco use and to help adults who want to quit tobacco use *and for funding human services programs.* The department of public health and human services shall manage the tobacco prevention program and shall adopt rules to implement the program. In adopting rules, the department shall consider the standards contained in Best Practices for Comprehensive

Tobacco Control Programs—August 1999 or its successor document, published by the U.S. department of health and human services, centers for disease control and prevention.

(3) An amount equal to 17% of the total yearly tobacco settlement proceeds received after June 30, 2003, must be deposited in a state special revenue account. Subject to subsection (5), the funds referred to in this subsection may be used only for:

(a) matching funds to secure the maximum amount of federal funds for the Children's Health Insurance Program Act provided for in Title 53, chapter 4, part 10; ~~and~~

(b) programs of the comprehensive health association provided for in Title 33, chapter 22, part 15, with funding use subject to 33-22-1513; *and*

(c) *matching funds to secure the maximum amount of federal funds for the medicaid program.*

(4) Funds deposited in a state special revenue account, as provided in subsection (2) or (3), that are not appropriated within 2 years after the date of deposit must be transferred to the trust fund.

(5) The legislature shall appropriate money from the state special revenue accounts provided for in this section ~~for tobacco disease prevention~~, for the programs referred to in the subsection establishing the account; and for funding the tobacco prevention advisory board.

(6) Programs funded under this section that are private in nature may be funded through contracted services."

Section 2. Prevention and stabilization account — allocation of proceeds. (1) There is a prevention and stabilization account in the state special revenue fund provided for in 17-2-102. Money in the account must be used by the department of public health and human services to finance, administer, and provide health and human services.

(2) (a) Funds in the prevention and stabilization account must be used for the following programs in order of priority:

(i) prescription drugs for adults with a serious and disabling mental illness eligible for programs initiated pursuant to 53-21-702(2) and (3);

(ii) child care for low-income families;

(iii) the Montana initiative for the abatement of mortality in infants administered pursuant to 50-19-301;

(iv) independent living;

(v) extended employment;

(vi) child support enforcement state matching funds;

(vii) stabilization of rates for medicaid mental health services;

(viii) medicaid hospice services;

(ix) home health therapy services;

(x) poison control; and

(xi) AIDS funds.

(b) Funds remaining after allocations to the priorities in subsection (2)(a) may be expended for other programs as directed in 17-6-606(1).

(c) Appropriations from the prevention and stabilization account for programs listed in subsection (2)(a) are restricted for the use specified and may not be transferred to other programs pursuant to 17-7-139.

Section 3. Fund transfer. There is transferred from the state special revenue account provided for in 17-6-606(2) to the state special revenue account established in [section 2] \$5,831,360 for fiscal year 2004 and \$6,057,600 for fiscal year 2005.

Section 4. Appropriations from prevention and stabilization account. (1) The following amounts are biennial appropriations from the prevention and stabilization account for the 2005 biennium:

(a) mental health services and prescription drugs for programs established pursuant to 53-21-702(2) and (3), \$6,500,000;

(b) child care, \$2,000,000;

(c) the Montana initiative for the abatement of mortality in infants program, \$1,100,000;

(d) independent living services, \$457,532;

(e) extended employment services, \$541,278;

(f) child support enforcement, \$1,263,678;

(g) mental health medicaid service rates, \$800,000;

(h) medicaid hospice services, \$340,000;

(i) medicaid home health therapy services, \$68,000;

(j) poison control, \$77,908; and

(k) AIDS funding, \$84,000.

(2) Funds remaining in the prevention and stabilization account after these appropriations have been made may be used to fund appropriations from the prevention and stabilization account that are authorized in House Bill No. 2.

Section 5. Codification instruction. [Section 2] is intended to be codified as an integral part of Title 53, chapter 6, and the provisions of Title 53, chapter 6, apply to [section 2].

Section 6. Coordination instruction. If House Bill No. 722 and [this act] are both passed and approved and if both bills create a prevention and stabilization account in the state special revenue fund to be used by the department of public health and human services to finance, administer, and provide health and human services, the code commissioner shall codify the accounts as a single section.

Section 7. Effective date. [This act] is effective July 1, 2003.

Section 8. Termination. [Section 1] terminates June 30, 2005.

Approved May 9, 2003

CHAPTER NO. 609

[SB 487]

AN ACT REVISING LAWS RELATED TO WIND ENERGY TAXATION AND ECONOMIC DEVELOPMENT; ELIMINATING THE TAX CREDIT LIMITATION FOR WIND ENERGY DEVELOPMENT; INCREASING THE

MAXIMUM AMOUNT OF OUTSTANDING ECONOMIC DEVELOPMENT BONDS THAT THE BOARD OF INVESTMENTS MAY ISSUE; INCREASING THE ALLOWABLE AMOUNT OF MONEY THAT THE BOARD OF INVESTMENTS MAY USE FOR FINANCING A MAJOR PROJECT; AMENDING SECTIONS 15-32-404, 17-5-1506, AND 17-5-1527, MCA; REPEALING SECTION 15-32-403, MCA; AND PROVIDING EFFECTIVE DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-32-404, MCA, is amended to read:

"15-32-404. Carryover of credit. (1) The tax credit allowed under 15-32-402 is to be deducted from that portion of the taxpayer's tax liability as set forth in 15-32-402(1) for the tax year in which the equipment invested in by the taxpayer is placed in service. If the amount of the tax credit exceeds the taxpayer's tax liability for the tax year, the amount that exceeds the tax liability may be carried over for credit against the taxpayer's tax liability in the next succeeding tax year or years until the total amount of the tax credit, ~~subject to the limitation of 15-32-403,~~ has been deducted from tax liability. However, except as provided in subsection (2), a credit may not be carried beyond the seventh tax year succeeding the tax year in which the equipment was placed in service.

(2) A credit may be extended through the 15th tax year succeeding the tax year in which the equipment was placed in service if an individual, corporation, partnership, or small business corporation, as defined in 15-30-1101:

(a) invests in a commercial system located within the exterior boundaries of a Montana Indian reservation, which commercial system is 5 megawatts or larger in size; and

(b) signs an employment agreement with the tribal government of the reservation where the commercial system would be constructed regarding the training and employment of tribal members in the construction, operation, and maintenance of the commercial system."

Section 2. Section 17-5-1506, MCA, is amended to read:

"17-5-1506. Bonds and notes for projects and major projects. (1) The board may by resolution issue negotiable notes and bonds in a principal amount as the board determines necessary to provide sufficient funds for achieving any of its purposes, including the payment of interest on notes and bonds of the board, establishment of reserves to secure the notes and bonds, including the reserve funds created under 17-5-1515, and all other expenditures of the board incident to and necessary or convenient to carry out this part.

(2) The board may by resolution, from time to time, issue notes to renew notes and bonds or to pay notes, including interest, and whenever it considers refunding expedient, refund any bonds by the issuance of new bonds, whether or not the bonds to be refunded have matured, or issue bonds partly to refund bonds outstanding and partly for any of its other purposes.

(3) Except as otherwise expressly provided by resolution of the board, every issue of its bonds is an obligation of the board payable out of any revenue, assets, or money of the board, subject only to agreements with the holders of particular notes or bonds pledging particular revenues, assets, or money.

(4) The notes and bonds must be authorized by resolutions of the board, bear a date, and mature at the times the resolutions provide. A note may not mature

more than 5 years from the date of its issue. A bond may not mature more than 40 years from the date of its issue. The bonds may be issued as serial bonds payable in annual installments, as term bonds, or as a combination thereof. The notes and bonds must bear interest at a stated rate or rates or at a rate or rate determination as stated, be in denominations, be in a form, either coupon or registered, carry registration privileges, be executed in a manner, be payable in a medium of payment, at places inside or outside the state, and be subject to terms of redemption as provided in resolutions. The notes and bonds of the board may be sold at public or private sale, at prices above or below par, as determined by the board, and in a manner such that interest on the bonds is either exempt from or subject to federal income tax.

(5) The bonds issued under this part are exempt from the Montana Securities Act, but copies of all prospectus and disclosure documents must be deposited with the state securities commissioner for public inspection.

(6) The total amount of bonds secured under 17-5-1515 outstanding at any one time, except bonds as to which the board's obligations have been satisfied and discharged by refunding or bonds for which reserves for payment or other means of payment have been provided, may not exceed ~~\$75~~ \$100 million."

Section 3. Section 17-5-1527, MCA, is amended to read:

"17-5-1527. Procedure prior to financing major projects. (1) The board may finance major projects under this part only when it finds that:

(a) the financing is in the public interest and is consistent with legislative purposes and findings;

(b) the financing to be provided by the board for a project does not exceed either ~~\$10~~ \$50 million or 90% of the cost or appraised value of the project, whichever is less;

(c) a financial institution will participate in financing the project if the cost or appraised value is less than \$1 million, either directly or through a letter of credit, to the extent of at least 10% of the financing to be provided by the board, provided, however, that participation by a financial institution in projects of over \$1 million is at the discretion of the board;

(d) the financing for the project is insured or guaranteed in whole or in part by a private or governmental insurer or guarantor;

(e) any contracts to construct the projects require all contractors to give preference to the employment of bona fide Montana residents, as defined in 18-2-401, in the performance of the work on the projects if their qualifications are substantially equal to those of nonresidents; "substantially equal qualifications" means the qualifications of two or more persons among whom the employer cannot make a reasonable determination that the qualifications held by one person are significantly better suited for the position than the qualifications held by the other persons;

(f) adequate provision is made in the loan agreement, lease, or other credit arrangement regarding a project or projects being financed to provide for payment of debt service on bonds of the board issued to finance the project or projects, to create and maintain reserves for payment of the debt service, and to meet all costs and expenses of issuing and servicing the bonds; and

(g) an applicant has submitted a statement that indicates that any contract let for a project costing more than \$25,000 and financed from the proceeds of bonds issued under this part on or after July 1, 1993, will contain a provision

that requires the contractor to pay the standard prevailing wage rate in effect and applicable to the district in which the work is being performed unless the contractor performing the work has entered into a collective bargaining agreement covering the work to be performed.

(2) In order to make the findings as described in subsection (1)(a), a hearing must be conducted in the following manner:

(a) the city or county in which the project will be located must be notified, and within 14 days shall advise the board if it elects to conduct the hearing; or

(b) if a request for a local hearing is not received, the board may hold the hearing at a time and place it prescribes.

(3) If the hearing required by subsection (2) is conducted by a local government, the governing body of the local government shall notify the board of its determination of whether the project is in the public interest within 14 days of the completion of the public hearing.

(4) When a hearing is required either locally or at the state level, notice must be given, at least once a week for 2 weeks prior to the date set for the hearing, by publication in a newspaper of general circulation in the city or county where the hearing will be held. The notice must include the time and place of the hearing; the general nature of the project; the name of the lessee, borrower, or user of the project; and the estimated cost of the project.

(5) The requirements of subsections (1)(b) through (1)(d) do not apply to bonds that are not secured by the capital reserve account authorized by 17-5-1515.

(6) The hearing requirements of subsections (2) through (4) do not apply to major projects financed with bonds the interest on which is subject to federal income taxes.

(7) *The board is encouraged to consider applications for project financing related to infrastructure and facilities necessary for the development of the state-owned coal assets."*

Section 4. Repealer. Section 15-32-403, MCA, is repealed.

Section 5. Effective dates. (1) [Sections 2 and 3 and this section] are effective on passage and approval.

(2) [Sections 1 and 4] are effective July 1, 2005.

Approved May 9, 2003

CHAPTER NO. 610

[SB 493]

AN ACT REVISING THE AUTHORIZED USE OF THE MOTOR VEHICLE INFORMATION TECHNOLOGY SYSTEM ACCOUNT; AMENDING SECTION 61-3-550, MCA; AND PROVIDING AN EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 61-3-550, MCA, is amended to read:

“61-3-550. (Temporary) Motor vehicle information technology system account. (1) There is a motor vehicle information technology system account in the state special revenue fund provided for in 17-2-102.

(2) Fees received by the department of revenue pursuant to 61-3-103 must be deposited in the account.

(3) The money in the motor vehicle information technology system account must be appropriated by the legislature to the department of justice and must be used by the department for the purpose of:

(a) repaying any indebtedness or loan incurred for the creation of a new information technology system for motor vehicles; ~~or~~

(b) payment of costs directly incurred in the creation and support of the new motor vehicle information technology system; *or*

(c) *transfers to the general fund.* (Terminates June 30, 2011—sec. 9, Ch. 394, L. 2001.)”

Section 2. Fund transfer. Up to \$3.7 million is transferred to the general fund from the motor vehicle information technology system account during the biennium beginning July 1, 2003. The director of the office of budget and program planning may determine the amount and timing of the transfers.

Section 3. Effective date. [This act] is effective July 1, 2003.

Section 4. Termination. [This act] terminates June 30, 2005.

Approved May 9, 2003

CHAPTER NO. 611

[SB 362]

AN ACT INCREASING THE PENALTIES FOR ILLEGAL POSSESSION OR CONSUMPTION OF AN INTOXICATING SUBSTANCE BY A PERSON UNDER 21 YEARS OF AGE; REQUIRING CHEMICAL DEPENDENCY ASSESSMENT AND TREATMENT IN CERTAIN CASES; REQUIRING COURTS TO REPORT THE NAMES OF MINORS WHO ARE CONVICTED OF THE OFFENSE TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES AND REQUIRING THAT DEPARTMENT TO MAKE THE NAMES AVAILABLE UPON REQUEST TO PEACE OFFICERS AND COURTS; AND AMENDING SECTIONS 45-5-624 AND 61-2-302, MCA.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 45-5-624, MCA, is amended to read:

“45-5-624. Unlawful attempt to purchase or possession of intoxicating substance— interference with sentence or court order. (1) A person under 21 years of age commits the offense of possession of an intoxicating substance if the person knowingly consumes or has in the person's possession an intoxicating substance. A person does not commit the offense if the person consumes or gains possession of the beverage because it was lawfully supplied to the person under 16-6-305 or when in the course of employment it is necessary to possess alcoholic beverages.

(2) (a) In addition to any disposition by the youth court under 41-5-1512, a person under 18 years of age who is convicted ~~of the offense of possession of an intoxicating substance under this section:~~

(i) for the first offense, shall be fined an amount *not less than \$100 and* not to exceed ~~\$150~~ \$300 and:

(A) ~~may~~ shall be ordered to perform 20 hours of community service; ~~and~~

(B) shall be ordered, ~~and the person's parent or parents or guardian shall be ordered, to complete and pay, either directly with money or indirectly through court-ordered community service,~~ all costs of participation in a community-based substance abuse information course *that meets the requirements of subsection (9), if one is available; and*

(C) *if the person has a driver's license, must have the license confiscated by the court for 30 days, except as provided in subsection (2)(b);*

(ii) for a second offense, shall be fined an amount *not less than \$200 and* not to exceed ~~\$200~~ \$600 and:

(A) ~~may~~ shall be ordered to perform 40 hours of community service; ~~and~~

(B) shall be ordered, ~~and the person's parent or parents or guardian shall be ordered, to complete and pay, either directly with money or indirectly through court-ordered community service,~~ all costs of participation in a community-based substance abuse information course *that meets the requirements of subsection (9), if one is available;*

(C) *if the person has a driver's license, must have the license confiscated by the court for 6 months, except as provided in subsection (2)(b); and*

(D) *shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (8);*

(iii) for a third or subsequent offense, shall be fined an amount not less than \$300 or more than ~~\$500~~ \$900, *shall be ordered to perform 60 hours of community service, and shall be ordered, and the person's parent or parents or guardian shall be ordered, to complete and pay, either directly with money or indirectly through court-ordered community service,* all costs of participation in a community-based substance abuse information course *that meets the requirements of subsection (9), if one is available, and shall be required to complete a chemical dependency assessment and treatment, if recommended, as provided in subsection (8), which may include alcohol or drug treatment, or both, approved by the department of public health and human services, if determined by the court to be appropriate. If the person has a driver's license, the court shall confiscate the license for 6 months, except as provided in subsection (2)(b).*

(b) ~~In addition to the penalties provided in subsection (2)(a), the court may order suspension of the offender's driver's license. The duration of the suspension must be set forth by court order and may not be less than 60 days or more than 1 year. Upon recommendation from the court, a restricted probationary driver's license under 61-2-302 may be issued during the suspension period after the person has completed at least 30 days of the suspension period. If the convicted person fails to complete the community-based substance abuse course and has a driver's license, the court shall order the license suspended for 3 months for a first offense, 9 months for a second offense, and 12 months for a third or subsequent offense.~~

(c) *The court shall retain jurisdiction for up to 1 year to order suspension of a license under subsection (2)(b).*

(3) ~~A person 18 years of age or older who is convicted of the offense of possession of an intoxicating substance~~ *of the offense of possession of an intoxicating substance:*

(a) for a first offense, shall be fined an amount not to exceed ~~\$150~~ \$200, and ~~and may~~ may be ordered to perform community service;

~~(b) for a second offense, shall be fined an amount not to exceed \$200 and may be ordered to perform community service;~~

(b) for a second offense, shall be fined an amount not to exceed \$200 and may be ordered to perform community service;

~~(c) for a third~~ *(c)* for a third or subsequent offense, shall be fined an amount not to exceed ~~\$300~~ \$500 and:

(i) ~~may~~ may be ordered to perform community service;

(ii) shall be ordered ~~to complete~~ *to complete* an alcohol information course at an alcohol treatment program ~~approved by the department of public health and human services that meets the requirements of subsection (9), which may, in the sentencing court's discretion and upon recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both which may, in the sentencing court's discretion and upon recommendation of a licensed addiction counselor, include alcohol or drug treatment, or both; and~~

(iii) in the discretion of the court, shall be imprisoned in the county jail for a term not to exceed ~~6~~ 6 months.-

(4) A person under 21 years of age commits the offense of attempt to purchase an intoxicating substance if the person knowingly attempts to purchase an alcoholic beverage. A person convicted of attempt to purchase an intoxicating substance shall be fined an amount not to exceed \$150 if the person was under 21 years of age at the time that the offense was committed and may be ordered to perform community service.

(5) A defendant who fails to comply with a sentence and is under 21 years of age and was under 18 years of age when the defendant failed to comply must be transferred to the youth court. If proceedings for failure to comply with a sentence are held in the youth court, the offender must be treated as an alleged youth in need of intervention as defined in 41-5-103. The youth court may enter its judgment under 41-5-1512.

(6) A person commits the offense of interference with a sentence or court order if the person purposely or knowingly causes a child or ward to fail to comply with a sentence imposed under this section or a youth court disposition order for a youth found to have violated this section and upon conviction shall be fined \$100 or imprisoned in the county jail for 10 days, or both.

(7) A conviction or youth court adjudication under this section ~~may not must~~ be reported by the court to the department of justice under 61-11-101 unless ~~suspension of the offender's driver's license is ordered by the court pursuant to subsection (2)(b) public health and human services if treatment is ordered under subsection (8).~~

(8) (a) A person convicted of a second or subsequent offense of possession of an intoxicating substance shall be ordered to complete a chemical dependency assessment.

(b) The assessment must be completed at a treatment program that meets the requirements of subsection (9) and must be conducted by a licensed addiction counselor. The person may attend a program of the person's choice as long as a licensed addiction counselor provides the services. If able, the person shall pay the cost of the assessment and any resulting treatment.

(c) *The assessment must describe the person's level of abuse or dependency, if any, and contain a recommendation as to the appropriate level of treatment if treatment is indicated. A person who disagrees with the initial assessment may, at the person's expense, obtain a second assessment provided by a licensed addiction counselor or program that meets the requirements of subsection (9).*

(d) *The treatment provided must be at a level appropriate to the person's alcohol or drug problem, or both, if any, as determined by a licensed addiction counselor pursuant to diagnosis and patient placement rules adopted by the department of public health and human services. Upon the determination, the court shall order the appropriate level of treatment, if any. If more than one counselor makes a determination, the court shall order an appropriate level of treatment based upon the determination of one of the counselors.*

(e) *Each counselor providing treatment shall, at the commencement of the course of treatment, notify the court that the person has been enrolled in a chemical dependency treatment program. If the person fails to attend the treatment program, the counselor shall notify the court of the failure.*

(f) *The court shall report to the department of public health and human services the name of any person who is convicted under this section. The department of public health and human services shall maintain a list of those persons who have been convicted under this section. This list must be made available upon request to peace officers and to any court.*

(9) (a) *A community-based substance abuse information course required under subsection (2)(a)(i)(B), (2)(a)(ii)(B), or (2)(a)(iii) must be:*

(i) *approved by the department of public health and human services under 53-24-208 or by a court or provided under a contract with the department of corrections; or*

(ii) *provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by the joint commission on accreditation of healthcare organizations to provide chemical dependency services.*

(b) *An alcohol information course required under subsection (3)(c)(ii) must be provided at an alcohol treatment program:*

(i) *approved by the department of public health and human services under 53-24-208 or by a court or provided under a contract with the department of corrections; or*

(ii) *provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by the joint commission on accreditation of healthcare organizations to provide chemical dependency services.*

(c) *A chemical dependency assessment required under subsection (8) must be completed at a treatment program:*

(i) *approved by the department of public health and human services under 53-24-208 or by a court or provided under a contract with the department of corrections; or*

(ii) *provided by a hospital licensed under Title 50, chapter 5, part 2, that provides chemical dependency services and that is accredited by the joint commission on accreditation of healthcare organizations to provide chemical dependency services. (See compiler's comments for contingent termination of certain text.)"*

Section 2. Section 61-2-302, MCA, is amended to read:

“61-2-302. Establishment of driver rehabilitation and improvement program — department to contract with private entities — participation by offending drivers. (1) (a) The department shall establish by administrative rules a driver rehabilitation and improvement program or programs that may consist of classroom instruction in rules of the road, driving techniques, defensive driving, driver attitudes and habits, actual on-the-road driver's training, and other subjects or tasks designed to contribute to proper driving attitudes, habits, and techniques.

(b) The rules must:

(i) provide for the local program courses to be operated by private entities;

(ii) develop a procedure for certifying private entities as driver rehabilitation and improvement course providers;

(iii) establish the criteria that private entities must meet in order to be certified by the department; and

(iv) provide for an alternative driver rehabilitation and improvement procedure for drivers who live in areas where a course is not offered.

(2) Official participation in the driver rehabilitation and improvement program is limited to those persons whose license to operate a motor vehicle in the state of Montana is:

(a) subject to suspension or revocation as a result of a violation of the traffic laws of this state ~~or, unless otherwise provided by the sentencing court, is suspended under 45-5-624(2)(b);~~

(b) revoked and they have:

(i) completed at least 3 months of a 1-year revocation or, if revocation is for a second or subsequent violation of 61-8-401 or 61-8-406, have provided the department with proof of compliance with the ignition interlock device restriction imposed under 61-5-208; or

(ii) completed 1 year of a 3-year revocation; and

(iii) met the requirements for reobtaining a Montana driver's license; or

(c) subject to suspension as provided in 61-11-204(3).

(3) Notwithstanding any provision of this part inconsistent with any other law of the state of Montana, the enforcement of any suspension or revocation order that constitutes the basis for any person's participation in the driver rehabilitation and improvement program provided for in this section may be stayed if that person complies with the requirements established for the driver rehabilitation and improvement program and meets the eligibility requirements of subsection (2).

(4) In the event that a person's driver's license has been surrendered before the person's selection for participation in the driver rehabilitation and improvement program, the license may be returned upon receipt of the person's agreement to participate in the program.

(5) The stay of enforcement of any suspension or revocation order must be terminated and the order of suspension or revocation enforced if a person declines to participate in the driver rehabilitation and improvement program or fails to meet the attendance or other requirements established for participation in the program.

(6) This part does not create a right to be included in any program established under this part.

(7) The department and the entity with which the department contracts under subsection (1)(b) shall establish separate fee schedules that may be charged to those persons participating in the driver improvement and rehabilitation program. The fees must be collected separately by the department and by the entity with which the department contracts under subsection (1)(b).

(8) The fees collected by the department under subsection (7) must be used to help defray costs incurred by the department in administering the program and in contracting with private entities as provided in subsection (1). The department may not use the fees collected under subsection (7) for any other purpose.

(9) A person may be referred to this program by a driver improvement analyst, city judge, justice of the peace, youth court judge, judge of a district court of the state, or hearing examiner of the department.

(10) (a) Except as provided in (10)(b), the department may issue a restricted probationary license to any person who enrolls and participates in the driver rehabilitation and improvement program. Upon issuance of a probationary license under this section, the licensee is subject to the restrictions set forth on the license.

(b) The department may not issue a restricted probationary license that would permit an individual to drive a commercial motor vehicle during a period in which:

(i) the individual is disqualified from operating a commercial motor vehicle under state or federal law; or

(ii) the individual's driver's license or driving privilege is revoked, suspended, or canceled.

(11) It is a misdemeanor for a person to operate a motor vehicle in any manner in violation of the restrictions imposed on a restricted license issued to the person under this section."

Approved May 10, 2003

CHAPTER NO. 612

[HB 2]

AN ACT APPROPRIATING MONEY TO VARIOUS STATE AGENCIES FOR THE BIENNIUM ENDING JUNE 30, 2005; AND PROVIDING AN EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Short title. [This act] may be cited as "The General Appropriations Act of 2003".

Section 2. First level expenditures. The agency and program appropriation tables in the legislative fiscal analyst narrative accompanying this bill, showing first level expenditures and funding for the 2005 biennium, are adopted as legislative intent.

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of [this act] is for any reason held unconstitutional, the decision does not affect the validity of the remaining portions of [this act].

Section 4. Appropriation control. An appropriation item designated as "Biennial" may be spent in either year of the biennium. An appropriation item designated "Restricted" may be used during the biennium only for the purpose designated by its title and as presented to the legislature. An appropriation item designated "One Time Only" or "OTO" may not be included in the present law base for the 2007 biennium. The office of budget and program planning shall establish a separate appropriation on the statewide budgeting and accounting system for any item designated as "Biennial", "Restricted", "One Time Only", or "OTO". The designation of "Restricted" is subject to the provisions of [section 7]. The office of budget and program planning shall establish at least one appropriation on the statewide budgeting and accounting system for any appropriation that appears as a separate line item in [this act].

Section 5. Program definition. As used in [this act], "program" has the same meaning as defined in 17-7-102, is consistent with the management and accountability structure established on the statewide budgeting and accounting system, and is identified as a major subdivision of an agency ordinarily numbered with an arabic numeral.

Section 6. Personal services funding — 2007 biennium. (1) Except as provided in subsection (2), present law and new proposal funding budget requests for the 2007 biennium submitted under Title 17, chapter 7, part 1, by each executive, judicial, and legislative branch agency must include funding of first level personal services separate from funding of other expenditures. The funding of first level personal services by accounting entity or equivalent for each fiscal year must be shown at the fourth reporting level or equivalent in the budget request for the 2007 biennium submitted by October 30 to the legislative fiscal analyst by the office of budget and program planning.

(2) The provisions of subsection (1) do not apply to the Montana university system.

Section 7. Approved original operating budget. In accordance with the provisions of 17-7-138, the approved original operating budget for each fiscal year of the 2005 biennium may include an amount not more than a prorated share by fund type of any across-the-board reductions or any undesignated reductions among all programs, as defined in [section 5], and among all appropriation items, as defined in [section 4], for the entire agency. This exception to legislative restrictions on appropriation items contained in [this act] is authorized only for preparation and approval of the original operating budget, which is due from all agencies by August 1 of each fiscal year, excluding the university system units.

Section 8. Contingent voidness. Because item 1b, item 4b, and item 12e in the department of public health and human services, item 2s in the office of public instruction, and item 4b and item 7n in the Montana university system appropriate coal severance tax permanent fund principal, Article IX, section 5, of the Montana constitution requires a three-fourths vote of the members of each house of the legislature for approval. If [this act] is not approved by a three-fourths vote of the members of each house of the legislature, then item 1b, item 4b, and item 12e in the department of public health and human services, item 2s in the office of public instruction, and item 4b and item 7n in the Montana university system are void.

Section 9. Statewide FTE reduction. Amounts identified as “statewide FTE reduction” in each agency may be reallocated between agencies at the discretion of the approving authority, as defined in 17-7-102(3).

Section 10. Contingent voidness. (1) The appropriations referred to in subsection (2) are void if Senate Bill No. 485 is passed and approved in a form that, together with other revenue deposited in a prevention and stabilization state special revenue account, will include sufficient revenue and biennial appropriations restricted for the following specified uses:

(a) mental health services and prescription drugs for programs established pursuant to 53-21-702(2) and (3), \$6,500,000;

(b) child care, \$2,000,000;

(c) the Montana initiative for the abatement of mortality in infants program, \$1,100,000;

(d) independent living services, \$457,532;

(e) extended employment services, \$541,278;

(f) child support enforcement, \$1,263,678;

(g) mental health medicaid service rates, \$800,000;

(h) medicaid hospice services, \$340,000;

(i) medicaid home health therapy services, \$68,000;

(j) poison control, \$77,908; and

(k) AIDS funding, \$84,000.

(2) If Senate Bill No. 485 is passed and approved in a form that meets the conditions established in subsection (1), then the following items in the department of public health and human services are stricken from [this act]:

(a) items 1d, 4a, 6a, 6b, 6c, 9c, 9d, 10d, 11b, 11c, 12b, and 12c; and

(b) appropriation conditions related to the prevention and stabilization account.

Section 11. Totals not appropriations. The totals shown in [this act] are for informational purposes only and are not appropriations.

Section 12. Effective date. [This act] is effective July 1, 2003.

Section 13. Appropriations. The following money is appropriated for the respective fiscal years:

	<u>Fiscal 2004</u>					<u>Fiscal 2005</u>					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other

If House Bill No. 18 is passed and approved, item 1 is decreased by \$35,500 of general fund money in each year of the biennium. The branch may reallocate this reduction in funding among programs in its 2005 biennium operating plans.

Item 1 includes a reduction in general fund money of \$254,581 in fiscal year 2004 and \$255,458 in fiscal year 2005 for the statewide FTE reduction. The branch may allocate this reduction in funding among programs when developing 2005 biennium operating plans.

The supreme court is requested to report on the accomplishments and progress of implementing the branch information technology strategic plan to the general government and transportation appropriation subcommittee during the 2005 legislative session. The report is to include a analysis of the viability for continuance of the branch information technology effort and a list of accomplishments, including but not limited to the goals and objectives established in the branch information technology strategic plan.

Item 4a includes \$769,557 of state special revenue in fiscal year 2004 as a restricted, biennial appropriation to be used by the judiciary for payment of the state's share of assumed vacation and sick leave for county employees who became state employees on July 1, 2002. Under state district court assumption, if legislation is not passed and approved to establish this state special revenue account for county payments to the state for accumulated sick and annual leave, then item 4a is void.

The judiciary is appropriated in the 2005 biennium up to \$1,800,000 in general fund money from reversions of appropriations of general fund money by the judiciary for the 2003 biennium for the purposes of funding expenses related to state district court assumption.

GOVERNOR'S OFFICE (3101)

1. Executive Office Program (01)												
1.654.179	0	0	0	1,654,179	1,655,203	0	0	0	0	0	0	1,655,203
a. Legislative Audit (Restricted Biennial)												
31.546	0	0	0	31,546	0	0	0	0	0	0	0	0
b. Economic Development (Restricted)												
688.905	115,660	0	0	804,465	689,575	115,926	0	0	0	0	0	905,501
c. Computer Equipment (OTO)												
30.933	0	0	0	20,933	0	0	0	0	0	0	0	0
d. HB 564 — Workforce Training Act												
0	5,000,000	0	0	5,000,000	0	5,000,000	0	0	0	0	0	5,000,000
2. Mansion Maintenance Program (02)												
79.631	0	0	0	79,631	79,604	0	0	0	0	0	0	79,604

	Fiscal 2004			Fiscal 2005		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
3. Air Transportation Program (03)						
157,560	41,000	0	0	218,660	160,000	41,000
4. Office of Budget and Program Planning (04)						
1,057,353	0	0	0	1,057,353	1,057,025	0
a. Legislative Audit (Restricted Biennial)						
16,534	0	0	0	16,534	0	0
5. Indian Affairs (05)						
135,878	0	0	0	135,878	137,701	0
a. State-Tribal Economic Development — Carryover (Restricted Biennial)						
0	164,000	3,000,000	0	0	0	0
6. Lieutenant Governor (12)						
246,452	0	0	0	246,452	247,150	0
7. Citizens Advocate Office (16)						
72,479	0	15,000	0	87,479	72,380	0
8. Mental Disabilities Board of Visitors (20)						
205,539	0	95,444	0	301,353	205,501	95,427
Total	4,236,525	5,310,660	2,110,444	0	11,720,033	4,235,339

Item 1 includes a reduction in general fund money of \$42,712 in fiscal year 2004 and \$42,712 in fiscal year 2005 for the statewide FTE reduction. The agency may allocate this reduction in funding among programs when developing 2005 biennium operating plans.

Item 1d includes a biennial appropriation of \$10,000,000 in state special revenue to the governor's office of economic development for the primary sector business workforce training program. If House Bill No. 564 is not passed and approved, item 1d is void.

The governor's office of economic development shall develop a memorandum of understanding with the Montana tribal governments to outline strategies for communications and collaborative efforts that can be implemented to help strengthen the economic development opportunities for Montana tribal communities.

SECRETARY OF STATE (3201)

	Fiscal 2004			Fiscal 2005		
	General Fund	State Special Revenue	Proprietary	Other	Total	Total

The secretary of state is appropriated up to \$20 million of federal special revenue and up to \$750,000 of state special revenue for the 2005 biennium to provide voter services under the federal Help America Vote Act of 2002. Federal special revenue funds are contingent upon receiving federal grant authority under the Help America Vote Act. State special revenue funds are contingent upon receiving matching funds from local government voting entities. Funding is restricted for use only on expenditures associated with the Help America Vote Act and are biennial appropriations for the 2005 biennium.

COMMISSIONER OF POLITICAL PRACTICES (3202)

1. Administration (01)

313.764	0	0	0	0	313.764	313.634	0	0	0	0	313.634
a. Legislative Audit (Restricted Biennial)											
52.08	0	0	0	0	52.08	0	0	0	0	0	0

Total

319.072	0	0	0	0	319.072	313.634	0	0	0	0	313.634
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Item 1 includes a reduction in general fund money of \$3,891 in fiscal year 2004 and \$3,891 in fiscal year 2005 for the statewide FTE reduction.

The commissioner of political practices is encouraged to use the department of justice agency legal services (ALS) for activities needing legal and investigative assistance. The commissioner of political practices shall provide a report of legal expenditure activity in fiscal year 2004 and through December 31, 2004, in fiscal year 2005 by contract services and ALS services to the general government and transportation appropriation subcommittee during the 2005 legislative session.

OFFICE OF THE STATE AUDITOR (3401)

1. Central Management (01)

0	533.139	0	0	0	533.139	0	533.678	0	0	0	533.678
a. Legislative Audit (Restricted Biennial)											
0	5.353	0	0	0	5.353	0	0	0	0	0	0

2. Insurance Program (03)

0	2,634.069	0	0	0	2,634.069	0	2,655,835	0	0	0	2,655,835
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a. Legislative Audit (Restricted Biennial)

0	23.344	0	0	0	23.344	0	0	0	0	0	0
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b. Contract Examinations (Restricted)

Fiscal 2004						Fiscal 2005					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
0	197,000	0	0	0	197,000	0	301,000	0	0	0	301,000
c. Montana Comprehensive Health Association (Restricted)											
0	700,963	0	0	0	700,963	0	659,600	0	0	0	659,600
3. Securities (04)											
0	634,164	0	0	0	634,164	0	630,033	0	0	0	630,033
a. Legislative Audit (Restricted Biennial)											
0	2,839	0	0	0	2,839	0	0	0	0	0	0
b. Contract Examinations (Restricted)											
0	89,615	0	0	0	89,615	0	89,615	0	0	0	89,615
Total											
0	4,870,806	0	0	0	4,870,806	0	4,859,961	0	0	0	4,859,961
DEPARTMENT OF TRANSPORTATION (5401)											
1. General Operations Program (01) (Biennial)											
0	14,462,680	5422,198	0	0	19,884,878	0	14,938,652	5,422,277	0	0	20,360,899
a. Legislative Audit (Restricted Biennial)											
0	110,411	0	0	0	110,411	0	0	0	0	0	0
b. Integrated Financial Systems (Restricted OTO)											
0	0	3,250,000	0	0	3,250,000	0	0	3,250,000	0	0	3,250,000
2. Construction Program (02) (Biennial)											
0	116,830,815	387,364,080	0	0	404,694,895	0	134,259,655	341,603,530	0	0	455,903,095
a. Conversion to English Measure (OTO)											
0	1,000,000	0	0	0	1,000,000	0	0	0	0	0	0
b. Federal Earmark Projects (Biennial/OTO)											
0	68,276	11,000,000	0	0	11,682,276	0	0	0	0	0	0
c. HB 613 — County Drinking and Driving Prevention Programs											
0	383,400	0	0	0	383,400	0	511,200	0	0	0	511,200

	Fiscal 2004			Fiscal 2005		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
3. Maintenance Program (03) (Biennial)						
0 80476134 1009868	0	0	0	0	0	0
4. Motor Carrier Services Division (22)						
0 5247636	0	0	0	0	0	0
5. Aeronautics Program (40)						
0 733704	0	0	0	0	0	0
a. Airport Grants (Biennial)						
0 1033000	0	0	0	0	0	0
b. Statewide Plan Update (Biennial)						
0 20000 180000	0	0	0	0	0	0
c. West Yellowstone Airport Runway Rehabilitation (Biennial OTO)						
0 0 1800000	0	0	0	0	0	0
d. Involuh Airport Runway Rehabilitation (Biennial OTO)						
0 130000 1630000	0	0	0	0	0	0
6. Transportation Planning Division (50) (Biennial)						
0 2838634 7166763	0	0	0	0	0	0
a. Federal Transit Administration (Restricted)						
0 0 1633000	0	0	0	0	0	0
b. Federal Fairmark (OTO)						
0 68664 274657	0	0	0	0	0	0
c. Multimodal Transportation Corridor Technical Assistance (Restricted)						
0 60000 200000	0	0	0	0	0	0
Total	334043344	39333340	0	563365604	339113711	368398774

The department may adjust appropriations in the general operations, construction, maintenance, and transportation planning programs between state special revenue funds and federal special revenue funds if the total state special revenue authority for these programs is not increased by more than 10% of the total appropriations established by the legislature for each program. All transfers between state special revenue funds and federal special revenue funds must be fully explained, justified, and reported in accordance with the requirements of 17-7-138 or 17-7-139, as applicable.

Fiscal 2004						Fiscal 2005					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
0	0	100,000	0	0	100,000	0	0	100,000	0	0	100,000
3. Architecture and Engineering Program (04)											
0	1,218,461	0	0	11,642	1,230,103	0	1,231,118	0	0	18,369	1,249,487
a. Legislative Audit (Restricted Biennial)											
0	1,769	0	0	0	1,769	0	0	0	0	0	0
4. General Services Program (05)											
584,550	0	0	0	500,000	1,084,550	584,153	0	0	0	500,000	1,084,153
5. Information Technology Services Division (07)											
104,646	0	463,165	0	0	624,811	105,360	0	463,543	0	0	624,903
a. Legislative Audit (Restricted Biennial)											
3,181	0	1,261	0	0	4,443	0	0	0	0	0	0
b. Public Safety Communications (Restricted Biennial)											
0	0	3,250,000	0	0	3,250,000	0	0	0	0	0	0
c. Statewide Roadway Centerline GIS (OTO)											
0	0	39,583	0	0	39,583	0	0	30,457	0	0	30,457
d. Banking and Financial Division (14)											
0	2,333,299	0	0	0	2,333,299	0	2,335,940	0	0	0	2,335,940
a. Legislative Audit (Restricted Biennial)											
0	2,975	0	0	0	2,975	0	0	0	0	0	0
f. Montana State Lottery (15)											
0	0	0	8,307,554	0	8,307,554	0	0	7,395,036	0	0	7,395,036
a. Legislative Audit (Restricted Biennial)											
0	0	0	81,713	0	81,713	0	0	0	0	0	0
b. Professional Service Contracts (Restricted Biennial/OTO)											
0	0	0	160,000	0	160,000	0	0	0	0	0	0
8. State Personnel Division (23)											
1,307,161	27,543	0	0	0	1,334,704	1,303,084	27,543	0	0	0	1,330,627
9. State Tax Appeal Board (37)											

	Fiscal 2004			Fiscal 2005			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Total
3457.452	0	0	0	0	0	0	339.186
Total	3457.452	3836.125	2312.708	8.633053	511.642	19,370.880	3487.021

There is appropriated from the general fund to the department for payments to the Montana highway patrol pension fund the amount required for this transfer, not to exceed \$350,000 for each fiscal year.

If House Bill No. 424 is not passed and approved or if House Bill No. 424 is passed and approved in a form that establishes responsibility for administering a telemarketing no-call list in an agency other than the department, item 2 is reduced by \$21,629 of state special revenue in fiscal year 2004 and by \$39,659 of state special revenue in fiscal year 2005.

Item 2 includes a reduction in general fund money of \$55,138 in fiscal year 2004 and \$55,138 in fiscal year 2005 for the statewide FTE reduction. The agency may allocate this reduction in funding among programs when developing 2005 biennium operating plans.

Item 2 includes a reduction of \$229,571 in fiscal year 2004 and \$229,571 in fiscal year 2005 of general fund money and like increases in state special revenue. If revenue deposited in the state special revenue fund is less than the amount of state special revenue contained in item 2, there is appropriated from the general fund up to \$200,000 in fiscal year 2004 and \$200,000 in fiscal year 2005.

The Montana state lottery shall present a report to the joint appropriations subcommittee on general government and transportation of the 59th legislature that documents the return on investment of each lottery game offered during the 2005 biennium and the anticipated return on investment for each lottery game planned for the 2007 biennium. For each lottery game, the report must itemize direct and indirect costs and revenue.

APPENDIX A: APPROPRIATION COMMISSION (6102)									
1. Appellate Defender (01)									
185860	0	0	0	0	0	135860	185,689	0	0
a. Legislative Audit (Restricted Biennial)									
215	0	0	0	0	0	215	0	0	0
Total	185,135	0	0	0	0	136,135	185,689	0	0

Item 1 includes a reduction in general fund money of \$2,334 in fiscal year 2004 and \$2,334 in fiscal year 2005 for the statewide FTE reduction.

	Fiscal 2004			Fiscal 2005			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Total
MONTANA CONSENSUS COUNCIL (6106)							
1. Montana Consensus Council (01)							
0	269,270	0	0	0	0	269,270	270,743
Total	0	269,270	0	0	0	269,270	270,743
TOTAL SECTION A	7541806	24671096	38650250	10866436	511542	659658061	705184730

	Fiscal 2004				Fiscal 2005			
	General Fund	State Special Revenue	Federal Special Revenue	Other	General Fund	State Special Revenue	Federal Special Revenue	Other
2. 3390.658	271.666	2,335.697	0	0	4,899.073	2,315.781	2,385.199	0
a. Legislative Audit (Restricted Biennial)								
1B.701	39.036	165.118	0	0	354.861	0	0	0
6. Health Policy and Services Division (07)								
1.9733403	3279.340	40546.464	0	0	45739.207	1,564.060	40,633.237	0
a. MAMU Perinatal — Prevention and Stabilization Fund								
0	550.000	0	0	0	550.000	0	0	0
b. Poison Control System — Prevention and Stabilization Fund								
0	38.954	0	0	0	38.954	0	0	0
c. AIDS Treatment Services — Prevention and Stabilization Fund								
0	43.000	0	0	0	43.000	0	0	0
d. Tobacco Control and Prevention								
0	3300.000	343.305	0	0	4,043.305	0	84,333.49	0
7. Quality Assurance Division (08)								
2.95685	371.016	5214.341	0	0	7,630.888	2,193.972	5315.120	0
8. Operations and Technology Division (09)								
8.856307	927.614	15266.064	0	0	24,700.575	6,552.055	15,309.918	0
9. Disability Services Division (10)								
4.8425173	1216.410	81035.147	0	0	135,676.730	41,123.209	81,651.679	0
a. Ex-stimot Change of Mission (Restricted CTO)								
580.000	0	0	0	0	580.000	0	0	0
b. Children's Services Refinancing (CTO)								
1,000,000	0	0	0	0	1,000,000	0	0	0
c. Extended Employment Benefits — Prevention and Stabilization Fund								
0	270.639	0	0	0	270.639	0	0	0
d. Independent Living Services — Prevention and Stabilization Fund								
0	228.766	0	0	0	228.766	0	0	0
e. Donated Dental Services (Restricted)								

	Fiscal 2004			Fiscal 2005		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
	0	43870	117592	0	94571	248449
e. Restore Community Services Rate — HB 721	0	118631	319337	0	117738	309387
f. Senior Disabled Services Medicaid Match	2,793,884	0	1,507,214	0	11,630,944	0
g. Cigarette Tax Revenue — Veterans' Homes (Restricted Biennial)	0	250,000	0	0	250,000	0
h. Addictive and Mental Disorders Division (33)	382,429,974	4,723,714	336,600,558	0	4,813,319	34,606,007
i. Federal Mental Health Block Grant (Restricted)	0	0	1,300,635	0	1,300,635	0
j. Prescription Drugs for Mentally Ill — Prevention and Stabilization Fund	0	3350,000	0	0	3350,000	0
k. Restore Mental Health Medicaid Rates — Prevention and Stabilization Fund	0	934,455	251,143	0	104,945	275,705
l. Mental Health Medicaid Match	433,574	0	1,165,151	687,124	0	1,605,164
m. MHSP Prescription Drugs — Coal Tax Trust (Biennial/OTO)	0	0	0	4,000,000	0	0
Total	364,535,893	46,533,704	80,566,819	370,437,487	51,053,799	835,441,387

If budget reductions are enacted by emergency rule in the 2005 biennium, the legislature urges the department to provide a 30-day public notice and to conduct a public hearing prior to adoption of the emergency rule.

Item 1 includes \$31,769,235 of federal funds in fiscal year 2004 and \$31,769,235 of federal funds in fiscal year 2005 to fund cash assistance benefits provided under Montana's temporary assistance for needy families (TANF) grant. If cash assistance decreases below this level of funding, resulting in a surplus of federal TANF funds, the following priorities may be funded:

(1) child care subsidies;

General Fund	State Special Revenue	Fiscal 2004			Total	General Fund	State Special Revenue	Fiscal 2005			Other	Total
		Federal Special Revenue	Proprietary	Other				Federal Special Revenue	Proprietary	Other		

- (2) a "rainy day" fund of up to \$4 million;
- (3) training and education programs to achieve employment in higher wage jobs, including program offered by tribal colleges; or
- (4) supportive services needed for employment of TANF recipients.

Item 1 includes a reduction in general fund money of \$1,245,030 in fiscal year 2004 and \$1,245,030 in fiscal year 2005 for the statewide FTE reduction. The agency may allocate this reduction in funding among programs when developing 2005 biennium operating plans.

Items 1d, 4a, 6a through 6c, 9d, 10d, 11b, 11c, 12b, and 12c are contingent upon passage and approval of a bill or bills that establish a state special revenue account for prevention and stabilization of department programs that receives at least \$13.7 million of estimated revenue in fiscal year 2004 and \$16.5 million of estimated revenue in fiscal year 2005 from reallocation of tobacco settlement proceeds allocated by 17-6-506 (2) and other sources.

Funding in item 1c may be used only to provide child-care subsidies. In an effort to stabilize, decrease, or decrease the rate of growth in the TANF cash assistance caseload, the legislature has appropriated \$25,600,000 for child-care services in fiscal year 2004. It is the legislature's intent that this funding is to be fully expended for child-care services in fiscal year 2004.

Items 1b, 4b, and 12e are appropriated from the coal severance tax permanent fund principal. These appropriations are subject to the provisions of [section 8].

Funds in item 1e may be used only to provide child-care subsidies to low-income families, except a portion of this funding may be used to support child-care quality activities at the minimum level required to maintain Montana's eligibility for the federal child-care development fund grant.

Item 2 includes \$77,641 in general fund money in fiscal year 2004 and \$77,641 in general fund money in fiscal year 2005 that may be used only to support the provision of domestic violence prevention services.

If Senate Bill No. 473 is not passed and approved, the funding in item 3 is decreased by \$6,250 in federal funds in fiscal year 2004; item 5 is decreased by \$7,084 in state special revenue in fiscal year 2004 and by \$7,084 in federal funds in fiscal year 2004 and by \$28,533 in state special revenue in fiscal year 2005 and by \$28,533 in federal funds in fiscal year 2005; and item 10 is decreased by \$102,700 in state special revenue in fiscal year 2004 and by \$278,984 in federal funds in fiscal year 2004 and by \$2,069,798 in state special revenue in fiscal year 2005 and by \$5,201,130 in federal funds in fiscal year 2005.

Personal services funding for 5 FTE in item 3a is considered a one-time appropriation.

Item 6 includes a biennial appropriation of \$250,000 in federal funds for the purchase of radios for ambulances that serve critical access hospitals. The ambulance radios purchased must be modern digital radios that allow encrypted data and voice transmissions from the field unit using a single radio. The appropriations are made from federal bioterrorism and hospital preparedness grant funds.

General Fund	State Special Revenue	Fiscal 2004			Total	General Fund	State Special Revenue	Fiscal 2005			Other	Total
		General	Federal Special Revenue	Proprietary				General	Federal Special Revenue	Proprietary		

If Senate Bill No. 464 is not passed and approved, the funding in item 6 is reduced by \$161,925 in state special revenue in fiscal year 2004 and by \$268,200 in state special revenue in fiscal year 2005.

Item 6d includes \$80,000 each year for each federally recognized tribe within Montana in accordance with 17-6-602(3)(b)(ii) that submits and administers a tobacco prevention and control program that meets the conditions required of all community based contractors. If tobacco prevention and control funds granted to a federally recognized tribe within Montana are not fully expended by the individual grantee within the contract period, these funds may be reallocated for other tobacco use prevention purposes.

If House Bill No. 727 is not passed and approved, funding in item 9 is increased by \$1,915,198 of general fund money in fiscal year 2004 and by \$1,915,952 of general fund money in fiscal year 2005, which includes funding for an additional 160.27 FTE in fiscal year 2004 and an additional 92.27 FTE in fiscal year 2005. If House Bill No. 727 is not passed and approved, general fund money in item 11 is reduced by \$7,452 in fiscal year 2004 and by \$7,488 in fiscal year 2005.

Funding in item 9 is decreased by \$2,380,962 in federal funds in fiscal year 2004 and by \$1,934,019 in federal funds in fiscal year 2005 if House Bill No. 452 is not passed and approved.

Funding in item 9e may be used only to provide donated dental services to individuals with disabilities.

Appropriation in items 9f, 10c, 10e, 11f, and 12d are contingent upon approval and passage of Senate Bill No. 407.

If Senate Bill No. 407 is not passed and approved, item 10 is reduced by \$686,357 in general fund money and by \$1,844,458 in federal funds in fiscal year 2004 and by \$1,320,845 in general fund money and by \$3,549,527 in federal funds in fiscal year 2005.

The department shall distribute funds in item 10b in a way that provides reasonable assurance that the funds are used solely for the outpatient out-of-home care for children. Rate increases may vary among types of providers. Funds appropriated in item 10b may be used only for rate increases for the outpatient out-of-home care for children. Funds in item 10b may not be used to fund other programs.

Funds in item 10f must be used to match donations, gifts, grants, or bequests received pursuant to 17-3-1001 and referenced in 17-6-203(5) to provide services for the children's health insurance program established in Title 53, chapter 4, part 10.

Funds in item 11a may be used only to make one-time payments to nursing homes based on the number of Medicaid services provided. State special revenue in item 11a may be expended only after the office of budget and program planning has certified that the department has received \$2 million each year from counties participating in the intergovernmental transfer program for nursing homes.

Items 11d and 11e are contingent upon passage and approval of House Bill No. 721.

	Fiscal 2004			Total	Fiscal 2005			Total
	General Fund	State Special Revenue	Federal Special Revenue		General Fund	State Special Revenue	Federal Special Revenue	
C. NATURAL RESOURCES AND COMMERCE								
DEPARTMENT OF FISH, WILDLIFE, AND PARKS (5201)								
1. Administration and Finance Division (01)								
0	5,789,898	1,697,300	0	7,386,898	0	5,863,514	1,601,074	7,464,588
a. Legislative Audit (Restricted Biennial)								
0	67,035	11,930	0	78,965	0	0	0	0
b. SB 112 — Fund Search and Rescue								
0	49,837	0	0	49,837	0	59,553	0	59,553
2. Field Services Division (02)								
0	7,042,675	780,549	0	7,823,424	0	7,516,839	181,918	8,236,791
a. Block Management (OTO)								
0	733,000	0	0	733,000	0	733,000	0	733,000
b. Taxes (OTO)								
0	4,609	13,828	0	18,437	0	4,609	13,828	19,437
c. Public Wildlife Interface (Biennial)								
0	65,000	0	0	65,000	0	0	0	0
3. Fisheries Division (03)								
0	3,652,533	6,609,176	0	10,231,519	0	3,745,317	6,609,891	10,355,208
a. Native Species Endowment Conservation Program (Restricted)								
0	40,000	0	0	40,000	0	40,000	0	40,000
b. Fishing Access Site Assistance (OTO)								
0	25,000	0	0	25,000	0	25,000	0	25,000
c. Short-Term Federal Contracts (OTO)								
0	0	206,700	0	206,700	0	0	10,700	10,700
4. Law Enforcement Division (04)								
0	6,551,346	238,707	0	6,790,053	0	6,551,359	238,291	6,789,650
a. Commercial Licensing (Restricted OTO)								

	Fiscal 2004			Fiscal 2005		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
c. HB 553 — Temporary Snowmobile Permit (Restricted)						
0	0	35,500	0	0	0	30,000
0	175,000	0	0	0	175,500	0
d. Conservation Education Division (08)						
0	1,034,414	157,735	0	0	1,800,332	157,735
a. Shooting Range Grants (Biennial)						
0	30,000	0	0	0	0	0
8. Department Management (09)						
0	2,863,015	1,162,942	0	0	2,953,297	1,166,949
a. Office Maintenance (Restricted OTO)						
0	30,000	0	0	0	30,000	0
b. State Wildlife Grant Federal Program (Biennial OTO)						
0	160,000	120,000	0	0	0	0
c. Retirement Liability (Restricted Biennial OTO)						
0	545,800	240,000	0	0	0	0
Total	0	40,274,979	1,712,913	0	57,457,953	15,463,001

The department is to report to the natural resources and commerce appropriations subcommittee on the projects funded with federal Sikes Act money and state match money. The report is to include an analysis of the viability for continuance of the program and a list of projects funded with the money.

If the department receives additional federal special revenue for services comparable to those with general license revenue, the approving authority shall decrease the state special revenue appropriation by the amount of federal money received and establish the federal funds appropriation. All transfers between fund types must be fully explained and justified on budget documents submitted to the office of budget and program planning.

If the department is required to adjust personal services expenditure costs between state and federal accounts, the approving authority shall adjust the state special revenue appropriation and the federal appropriation by like amounts. All transfers between fund types must be fully explained and justified on budget documents submitted to the office of budget and program planning.

The department shall prepare a biennial report of the expenditure of funds under the non game wildlife checkoff which must be made available to the environmental quality council prior to each regular legislative session.

	Fiscal 2004			Fiscal 2005		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue

If federal money becomes available for the wildlife chronic wasting disease management plan, the approving authority shall adjust the state special revenue appropriation and the federal appropriation by like amounts. All transfers between fund types must be fully explained and justified on budget documents submitted to the office of budget and program planning.

If Senate Bill No. 287 is not passed and approved, item 8 is decreased by \$72,469 of state special revenue money in fiscal year 2004 and by \$72,053 of state special revenue money in fiscal year 2005.

DEPARTMENT OF ENVIRONMENTAL QUALITY (5301)						
1. Central Management Program (10)						
227,112 227,611 206,553	0	0	661,276	238,064	229,376	206,188
a. Environmental Rehabilitation (Restricted Biennial)						
0 125,000 0	0	0	125,000	0	0	0
b. Federal One-Stop Grant (Biennial OTO)						
0 0 500,000	0	0	500,000	0	0	0
c. NEPA Projects Base Adjustment (Biennial)						
0 1,000,000 0	0	0	1,000,000	0	0	0
2. Planning, Prevention, and Assistance Division (20)						
1,800,663 1,132,636 9,346,043	0	0	12,339,742	1,783,576	1,157,296	9,311,378
a. TMDL Supplemental Grant (Restricted OTO)						
0 0 370,000	0	0	370,000	0	0	370,000
b. Universal System Benefits Charge (Biennial)						
0 200,000 0	0	0	200,000	0	0	0
3. Enforcement Division (30)						
378,817 308,435 366,247	0	0	953,619	373,533	209,653	371,639
4. Remediation Division (40)						
0 4,499,436 6,353,744	0	0	10,894,680	0	4,516,325	6,353,744
a. Leaking Underground Storage (Biennial OTO)						
0 34,500 310,500	0	0	345,000	0	0	0
b. Database Consolidation (Restricted OTO)						

	Fiscal 2004			Fiscal 2005		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
	0	23,800	35,500	0	33,500	35,500
c. Fields Project (Restricted Biennial OTO)						
	0	11,111	100,000	0	0	0
5. Permitting and Compliance Division (50)						
711,769	9,067,496	446,474	0	733,380	9,119,467	4,848,765
a. Bond Forfeitures Settlements (Restricted Biennial)						
	0	30,322,738	0	0	0	0
b. Hard Rock Reclamation Bond Proceeds (Restricted Biennial)						
	0	5,000,000	0	0	0	0
c. Hard Rock Federal Funds (Restricted Biennial)						
	0	0	4,000,000	0	0	0
d. Major Facility Siting Adjustment (Restricted Biennial)						
	0	300,000	0	0	0	0
e. Hazardous Waste Contract Services (Restricted Biennial OTO)						
	0	30,000	0	0	0	0
f. Waste Management Database Development (Restricted OTO)						
	0	50,000	0	0	50,000	0
Total						
3,118,631	8,583,773	350,93,651	0	83,074,905	3,119,513	15,345,617

Item 1 includes a reduction in general fund money of \$41,862 in fiscal year 2004 and \$41,862 in fiscal year 2005 for the statewide FTE reduction. The agency may allocate this reduction in funding among programs when developing 2005 biennium operating plans.

In item 5b, up to \$2,500,000 of the \$5,500,000 must be used to fund the account for perpetual water treatment at the Zortman and Industry mines. The funds may be used for this purpose only if congress appropriates at least \$10,000,000 for this same purpose during the biennium. If congress makes this appropriation, the amount of bond proceeds that must be allocated to this account is the amount that, when added to the amount appropriated by congress, equals \$12,500,000.

The department is authorized to decrease federal special revenue money in the water pollution control and the drinking water revolving fund loan program and to increase state special revenue money by a like amount within the special administration account when:

	Fiscal 2004			General Fund	Fiscal 2005			Total	Other	Total
	State Special Revenue	Federal Special Revenue	Proprietary		State Special Revenue	Federal Special Revenue	Proprietary			
(1) the amount of federal capitalization funds has been expended; or										
(2) federal funds and bond proceeds are designated for use for other program purposes.										
DEPARTMENT OF LIVESTOCK (560 3)										
1. Centralized Services Program (01)										
0 2,095,934 650 30 0 0 2,090,814 0 2,041,631 650 30 0 0 2,105,851										
a. Legislative Audit (Restricted Biennial)										
0 2,603 0 0 2,603 0 0 0 0 0 0 0										
2. Diagnostic Laboratory Program (03)										
91,911 1,350,017 0 0 1,441,928 91,911 1,332,614 0 0 1,424,525										
3. Animal Health Division (04)										
0 630,465 1,050,000 0 1,730,465 0 634,484 1,050,000 0 0 1,704,484										
4. Milk and Egg Program (05)										
0 210,163 32,275 0 242,438 0 235,940 32,275 0 0 268,215										
5. Brands Enforcement Division (06)										
0 2,504,308 0 0 2,504,308 0 2,455,738 0 0 2,455,738										
6. Meat and Poultry Inspection Program (10)										
438,680 6,475 438,681 0 863,636 438,093 438,094 0 0 810,553										
Total										
630,491 7,104,645 1,575,866 0 0 9,301,242 834,004 7,029,072 1,575,866 0 0 9,138,475										

The department shall report to the 2005 legislature joint appropriations subcommittee on natural resources and committee on natural resources and committee on natural resources and committee on natural resources within the state of Montana, including but not limited to bison and elk populations within Yellowstone national park, bison removal activities undertaken by the department in fiscal year 2004 and fiscal year 2005, expenditures within the department for brucellosis management, and the status of federal activities and funding continuity.

Item 2 includes a reduction in general fund money of \$7,614 in fiscal year 2004 and \$7,614 in fiscal year 2005 for the statewide FTE reduction. The agency may allocate this reduction in funding among programs when developing 2005 biennium operating plans.

	Fiscal 2004				Total	Fiscal 2005				Total	
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary		Other	General Fund	State Special Revenue	Federal Special Revenue		Proprietary
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (5706)											
1. Centralized Services (21)											
1.555.393	407,200	100,000	0	0	2,052,653	1,554,182	407,200	15,000	0	0	2,016,382
a. Legislative Audit (Restricted Biennial)											
89,380	0	0	0	0	99,380	0	0	0	0	0	0
b. Revire USF&G Building (Restricted OTO)											
0	0	13,300	0	0	18,300	0	0	0	0	0	0
2. Oil and Gas Conservation Division (22)											
0	1,355,131	0	0	0	1,355,131	0	1,355,553	0	0	0	1,355,553
a. Heating System Replacement (OTO)											
0	25,000	0	0	0	25,000	0	0	0	0	0	0
b. Coal Bed Methane Water Study (Restricted Biennial OTO)											
0	400,000	0	0	0	400,000	0	0	0	0	0	0
c. Historical Data Acquisition Project (Restricted OTO)											
0	100,000	0	0	0	100,000	0	100,000	0	0	0	100,000
3. Conservation and Resource Development Division (23)											
2,349,555	1,912,055	200,555	0	0	4,352,165	2,353,859	1,857,457	215,814	0	0	4,340,140
a. Grass Conservation Commission (Biennial)											
0	30,000	0	0	0	30,000	0	0	0	0	0	0
b. Sheridan County Conservation District (Restricted)											
30,000	0	0	0	0	30,000	30,000	0	0	0	0	30,000
4. Water Resources Division (24)											
0	1,619,316	108,415	0	0	1,727,731	0	1,633,936	106,855	0	0	1,742,791
a. Water Resources — General Fund (Biennial)											
550,7802	0	0	0	0	550,7802	550,782	0	0	0	0	550,782
b. State Water Project Rehabilitation (Restricted Biennial OTO)											
0	2,230,000	60,754	0	0	2,290,754	0	0	0	0	0	0

	Fiscal 2004			Fiscal 2005		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
c. Broadwater Hydropower Maintenance (Biennial)	0	36,000	0	0	0	0
d. Water Rights Verification Project (Restricted OTO)	0	160,000	0	0	168,000	0
e. Yellowstone River Compact Water Apportionment (Restricted Biennial)	10,000	0	0	0	0	0
5. Reserved Water Rights Compact Commission (25)	713,840	0	0	719,344	0	0
6. Forestry and Trust Lands (35)	0	11,848,769	1,335,041	0	13,173,810	0
a. Forestry and Trust Lands — General Fund (Biennial)	6,432,111	0	0	6,432,111	0	0
b. Five Seasonal Pay Exception (OTO)	0	66,000	134,000	0	300,000	0
c. SB 409 — Develop Otter Creek Tracts (Biennial OTO)	0	30,000	0	0	30,000	0
d. HB 537 — Sustainable Yield (Biennial OTO)	0	40,000	0	0	40,000	0
Total	16,988,061	20,630,061	1,347,167	17,005,615	17,664,398	1,865,297

The department is authorized to decrease state special revenue money in the underground injection control program and to increase federal special revenue money by a like amount when the amount of federal EPA funds available for the program becomes known. Any federal special revenue is to be spent before state special revenue.

The department is appropriated up to \$600,000 for the 2005 biennium from the state special revenue account established in 85-1-604, MCA, for the purchase of prior liens on property held as a loan security as required by 85-1-618, MCA.

Item 1 includes a reduction in general fund money of \$209,190 in fiscal year 2004 and \$209,190 in fiscal year 2005 for the statewide PTE reduction. The agency may allocate this reduction in funding among programs when developing 2005 biennium operating plans.

		Fiscal 2004			Fiscal 2005		
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue

The department is authorized to decrease federal special revenue in one year in the water pollution control and the drinking water revolving fund loan programs and to increase state special revenue money by a like amount within the special administration account when:

(1) the amount of federal capitalization funds has been expended; or

(2) federal funds and bond proceeds are designated for use for other program purposes.

Item 4 contains general fund authority of \$10,000 in fiscal year 2004 that is restricted to investigate the apportionment of water between Montana and Wyoming under the Yellowstone River Compact as referenced in House Joint Resolution No. 35.

The department shall present a written quarterly report to the office of budget and program planning and to the legislative fiscal division detailing its fine costs for the current fiscal year. In addition, it shall present this information to the legislative finance committee upon request.

During the 2005 biennium, up to \$1 million of funds currently in or to be deposited in the Broadwater replacement and renewal account is appropriated to the department for repairing or replacing equipment at the Broadwater hydropower facility.

During the 2005 biennium, up to \$70,000 of interest earned on the Broadwater water users account is appropriated to the department for the purpose of repair, improvement, or rehabilitation of the Broadwater-Missouri division project.

During the 2005 biennium, up to \$500,000 of funds currently in or to be deposited in the state project hydropower earnings account is appropriated for the purpose of repairing, improving, or rehabilitating department state water projects.

If Senate Bill No. 130 is not passed and approved, item 6 is decreased by \$21,734 of state special revenue in fiscal year 2004 and by \$43,468 of state special revenue in fiscal year 2005.

During the 2005 biennium, up to \$70,000 in state special revenue of annual rent received from commercial leasing is appropriated to the department to contract with realtors, property managers, surveyors, legal counsel, or lease administrators to administer the commercial lease, either singly or in common with other leases, or to provide assistance to the department in the administration of commercial leases pursuant to [section 5] of Senate Bill No. 137.

DEPARTMENT OF AGRICULTURE (6201)

1. Central Management Division (15)

146974	558,647	63,000	55,391	0	835,213	180,330	557,615	63,000	55,395	0	867,341
a. Legislative Audit (Restricted Biennial)											
34175	0	0	0	0	34,175	0	0	0	0	0	0

	Fiscal 2004			Fiscal 2005		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
23635	0	0	0	31,500	0	0
4. Highway Patrol Division (13)						
0	18,242,703	819,383	0	19,062,086	0	19,203,466
a. Prisoner Per Diem (Biennial)						
0	1,166,984	0	0	1,166,984	0	1,203,293
5. Division of Criminal Investigation (18)						
2,611,055	1,588,251	1,635,865	0	2,617,543	1,582,236	1,640,429
6. County Attorney Payroll (19)						
1,740,350	0	0	0	1,740,350	0	0
7. Central Services Division (28)						
317,970	443,043	0	15,129	319,503	444,440	0
a. Legislative Audit (Restricted Biennial)						
24,969	31,809	0	1,157	0	0	0
8. Information Technology Services Division (29)						
2,891,596	1,069,493	163,309	10,199	2,898,367	1,069,364	163,947
a. Motor Vehicle Division Database Programming Updates (OTO)						
163,716	0	0	0	0	0	0
b. IT System and Disaster Recovery Position (OTO)						
49,715	0	0	0	49,715	0	0
9. Forensic Sciences Division (32)						
2,215,693	303,204	135,236	0	2,338,804	303,204	134,370
Total						
19,019,546	24,386,611	3,193,650	809,244	18,648,110	28,657,614	3,195,809

There is appropriated from the highway patrol retirement clearing account to the department for payments to the Montana highway patrol pension fund the amount required for this transfer not to exceed \$1,200,000 for each fiscal year.

Item 1 includes a reduction in general fund money of \$24,5489 in fiscal year 2004 and \$24,5489 in fiscal year 2005 for the statewide FTE reduction. The agency may allocate this reduction in funding among programs when developing 2005 biennium operating plans.

	Fiscal 2004			Fiscal 2005		
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

If House Bill No. 569 is not passed and approved, item 3 is increased by \$152,457 of general fund money in fiscal year 2004 and \$172,730 of general fund money in fiscal year 2005.

Fiscal years 2004 and 2005 state special revenue in item 3 includes \$3,237,493 in fiscal year 2004 and \$3,045,893 in fiscal year 2005 of the fund balance from revenue sources not restricted to certain purposes by the Montana constitution.

Item 3b is contingent upon passage and approval of House Bill No. 261.

The department shall present to the 59th legislature options for the funding and operation of the fire prevention and investigation bureau.

PUBLIC SERVICE REGULATION (4201)

1. Public Service Regulation Program (01)						
0 2,640,645	13,655	0	0	2,654,300	0	2,654,300
a. Legislative Audit (Restricted Biennial)						
0 18,315	87	0	0	18,402	0	18,402
b. Consultants (Restricted Biennial)						
0 53,846	0	0	0	53,846	0	53,846
c. SB 247 — Advisory Services (Restricted Biennial)						
0 800,000	0	0	0	800,000	0	800,000
Total	3,212,410	13,742	0	3,226,152	0	3,226,152

DEPARTMENT OF CORRECTIONS (6401)

1. Administration and Support Services (01)						
8,851,487	3,630	0	86,943	8,938,309	3,795	9,042,104
a. Legislative Audit (Restricted Biennial)						
112,111	3,933	0	7,463	123,507	0	123,507
b. HB 220 — Revise Restitution Laws						
0 38,661	0	0	0	38,661	0	38,661

	Fiscal 2004			Fiscal 2005		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
2. Community Corrections (02)						
21256366	303656	0	0	21602214	303656	0
3. Secure Facilities (03)						
5307943	1408686	60268	0	52575625	1408686	60268
a. Additional General Fund — SB 407 Contingency (Biennial)						
4500000	0	0	0	4500000	0	0
4. Montana Correctional Enterprises (04)						
968410	0	444411	0	1412821	968415	0
a. SB 118 — License Plate — Delay Reissue						
570079	0	0	0	570079	0	0
b. Montana Food Bank Network Cannery (Restricted)						
0	0	100000	0	0	0	0
5. Juvenile Corrections (05)						
17514200	437013	316765	0	18267978	437013	316765
Total	105942616	2364792	497053	110233277	2342503	497053
Item 1 includes a reduction in general fund money of \$831,651 in fiscal year 2004 and \$831,651 in fiscal year 2005 for the statewide FTE reduction. The agency may allocate this reduction in funding among programs when developing 2005 biennium operating plans.						
The department may reallocate the appropriations in items 1 through 5 among divisions or programs when developing the 2005 biennium operating plans.						
Item 3 contains an increase of \$3,500,000 of general fund money in each year of the 2005 biennium. These increases are contingent upon passage and approval of House Bill No. 363. The department may reallocate this increase in funding among divisions or programs when developing the 2005 biennium operating plans.						
Item 3a is contingent upon passage and approval of Senate Bill No. 407. The department may reallocate this increase in funding among divisions or programs when developing the 2005 biennium operating plans.						
Item 4b is contingent upon receipt of federal funds identified specifically for the purpose of funding cannery operations.						
DEPARTMENT OF LABOR AND INDUSTRY (6602)						

	Fiscal 2004			Fiscal 2005		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
1. Workforce Services Division (01)						
947.561	7,186,294	24,357,229	0	388,671	7,217,476	24,359,500
2. Legislative Audit (Restricted Biennial)						
926	25,673	3,380	0	0	0	0
3. HB 554 — Workforce Training Act						
0	125,000	0	0	0	135,000	0
4. SB 434 — Empowerment Zones						
34,264	0	0	0	33,960	0	0
5. Unemployment Insurance Division (02)						
0	304,955	6,313,899	0	0	304,955	6,310,682
6. Legislative Audit (Restricted Biennial)						
0	0	17,003	0	0	0	0
7. SB 271 — POINTS/UITI Collection (Restricted)						
0	0	137,853	0	0	0	2,405,000
8. Commissioner's Office/Centralized Services Division (03)						
117,010	738,121	426,629	67,829	117,902	738,694	427,225
9. Legislative Audit (Restricted Biennial)						
514	1,541	1,060	127	0	0	0
10. Inclusion of Tribal Labor Market Information						
0	1,000	0	0	0	1,000	0
11. Employment Relations Division (04)						
659,204	6,478,442	713,088	0	650,170	6,488,472	713,000
12. Legislative Audit (Restricted Biennial)						
1,839	13,106	2,912	0	0	0	0
13. Business Standards Division (05)						
0	10,572,136	0	0	0	10,567,354	0
14. Legislative Audit (Restricted Biennial)						
0	10,869	0	0	0	0	0

Fiscal 2004						Fiscal 2005					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
1. Centurized Services (01)											
389,463	0	97,533	0	0	486,996	389,129	0	97,334	0	0	486,463
a. Legislative Audit (Restricted Biennial)											
444	0	0	0	0	444	0	0	0	0	0	0
2. Challenge Program (02)											
1,119,876	0	1,673,814	0	0	2,793,690	1,119,831	0	1,673,747	0	0	2,793,578
a. Legislative Audit (Restricted Biennial)											
11,173	0	0	0	0	11,173	0	0	0	0	0	0
3. Scholarship Program (03)											
a. National Guard Scholarship Program (Restricted Biennial/OTO)											
2,150,000	0	0	0	0	2,150,000	0	0	0	0	0	0
4. Army National Guard Program (12)											
1,182,416	236,000	4,624,010	0	0	6,132,426	1,185,772	386,000	4,651,932	0	0	6,223,704
a. Legislative Audit (Restricted Biennial)											
250,277	0	0	0	0	250,277	0	0	0	0	0	0
5. Air National Guard Program (13)											
302,972	0	2,150,234	0	0	2,453,206	303,403	0	2,261,904	0	0	2,565,307
a. Legislative Audit (Restricted Biennial)											
53,100	0	0	0	0	53,100	0	0	0	0	0	0
6. Disaster and Emergency Services (21)											
424,301	13,700	4,312,072	0	0	4,750,073	424,972	13,700	4,312,233	0	0	4,750,895
a. Legislative Audit (Restricted Biennial)											
671	0	670	0	0	1,341	0	0	0	0	0	0
b. SB 112 — Fund Search and Rescue											
0	33,330	0	0	0	33,330	0	180,159	0	0	0	180,159
c. Veterans Affairs Program (31)											
666,023	137,335	0	0	0	803,358	666,918	187,489	0	0	0	854,407

	Fiscal 2004			Fiscal 2005			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Total
a. Legislative Audit (Restricted Biennial)							
895 0 0 0 0 0 0							
b. HB 761 — Veterans' Cemetery							
0 150,000 0 0 0 150,000 0							
[Note: On May 21, 2003, the governor attached a line item veto to House Bill No. 2 that nullified this appropriation. The line item veto read: "The appropriation of \$150,000 in House Bill No. 2 is not necessary because House Bill No. 761 provides for an appropriation in the amount of \$150,000 from the special revenue account provided for in Section 10-2-603, MCA, to the Department of Military Affairs for the veterans' cemetery. This same appropriation was inadvertently included in House Bill No. 2."]							
c. SB 401 — Revise Duties and Membership of Veterans' Affairs							
0 279,886 0 0 0 279,886 0							
Total							
4,409,063 1,009,541 1,300,353 0 0 18,423,357 4,123,530 1,356,811 1,300,314 0 0 18,423,191							
Item 1 includes a reduction in general fund money of \$48,508 in fiscal year 2004 and \$48,508 in fiscal year 2005 for the statewide FTE reduction. The agency may allocate this reduction in funding among programs when developing 2005 biennium operating plans.							
Item 6b is contingent upon passage and approval of Senate Bill No. 112.							
TOTAL SECTION D							
133,181,101 66,823,579 63,132,151 14,160,016 0 26,961,783 127,925,738 60,760,515 64,439,917 142,1736 0 308,886,966							

	Fiscal 2004			Fiscal 2005		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
OFFICE OF SUPERINTENDENT OF PUBLIC INSTRUCTION (3501)						
E. EDUCATION						
1. OPI Administration (06)						
444310 193555 12239546	0	0	16876231	4463114	194373	12388763
2. Distribution to Public Schools (09)						
0 0 114773612	0	0	114773612	0	0	125619361
a. BASE Aid (Restricted Biennial)						
401386894 0 0	0	0	401386894	401402830	0	0
b. Special Education (Restricted Biennial)						
34912640 0 0	0	0	34912640	36412640	0	0
c. Transportation Aid (Restricted Biennial)						
12100000 0 0	0	0	12100000	12100000	0	0
d. School Facility Reimbursement (Restricted Biennial)						
8270735 0 0	0	0	8270735	8411293	0	0
e. Instate Treatment (Biennial)						
974896 0 0	0	0	974896	974896	0	0
f. Secondary Vocational Education (Biennial)						
715000 0 0	0	0	715000	715000	0	0
g. Adult Basic Education (Biennial)						
275000 0 0	0	0	275000	275000	0	0
h. Gifted and Talented (Biennial)						
180000 0 0	0	0	180000	180000	0	0
i. School Food (Biennial)						
648653 0 0	0	0	648653	648653	0	0
j. School District Audits (Biennial)						
143475 0 0	0	0	143475	147775	0	0
k. Traffic Safety Distribution						

	Fiscal 2004			Fiscal 2005		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
	0	150,000	0	0	150,000	0
1. Community Service Grant Program (Biennial)						
0	0	250,000	0	0	250,000	0
m. Reading First (Biennial)						
0	0	2,500,000	0	0	2,500,000	0
n. Reading First (Biennial)						
0	0	458,056	0	0	458,056	0
o. Title IV—21st Century Community Learning Centers (Biennial)						
0	0	2,500,000	0	0	2,500,000	0
p. Character Education						
0	0	1,150,000	0	0	1,150,000	0
q. HB 124 County and District Block Grants (Restricted Biennial)						
49,458,959	0	0	0	49,458,959	0	0
r. Flex Fund (Biennial/OTO)						
0	0	0	0	0	0	0
s. Flex Fund — Coal Tar Trust (Biennial/OTO)						
0	0	0	0	0	0	0
Total	513,319,372	94,315,514	0	515,836,039	944,313	144,606,180

All federal funds are biennial appropriations.

Item 1 includes a reduction in general fund money of \$49,649 in fiscal year 2004 and \$49,649 in fiscal year 2005 for the statewide FTE reduction.

All revenue received in the state traffic education account for distribution to schools under the provisions of 20-7-506 and 61-5-121 is appropriated as provided in Title 20, chapter 7, part 5. This appropriation may not exceed \$1 million a year.

The office of public instruction may distribute funds from the appropriation in item 2e to public school districts for the purpose of providing for educational costs of children with significant behavioral or physical needs.

	Fiscal 2004			Fiscal 2005		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue

There is appropriated in the 2005 biennium in item 21 an amount equal to any grants designated for school district staff recruitment, retention, or retirement incentives, up to \$5 million.

Item 2 is appropriated from the coal severance tax permanent fund principal. This appropriation is subject to the provisions of [section 8].

If Senate Bill No. 424 is not passed and approved, then the following line items will be reduced or increased by the following amounts: item 2a, BASE Aid (\$893,400) fiscal year 2004, (12,730,900) fiscal year 2005; item 2b, Special Education (1,500,000) fiscal year 2005; item 2c, Transportation Aid (1,700,000) fiscal year 2004, (1,700,000) fiscal year 2005; item 2d, School Facility Reimbursement (4,020,735) fiscal year 2004, (4,051,233) fiscal year 2005; and item 2q, HB 124 County and District Block Grants 16,245,180 fiscal year 2004, 16,368,645 fiscal year 2005.

BOARD OF PUBLIC EDUCATION (5101)

1. Administration (01)

1B 647	14,986	0	0	174,636	1B 846	14,837	0	0	0	174,633
a. Legislative Audit (Restricted Biennial)	2,371	0	0	2,371	0	0	0	0	0	0
2. Advisory Council (03)	0	168,343	0	168,343	0	172,015	0	0	0	172,015
a. Legislative Audit (Restricted Biennial)	0	1,672	0	1,672	0	0	0	0	0	0

Total

161,918	136,003	0	0	346,961	1B 846	166,852	0	0	0	346,698
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Item 1 includes a reduction in general fund money of \$1,711 in fiscal year 2004 and \$1,711 in fiscal year 2005 for the statewide FTE reduction.

SCHOOL FOR THE DEAF AND BLIND (5113)

1. Administration Program (01)

246 552	BB1	0	0	247,473	246 555	367	0	0	0	247,542
a. Legislative Audit (Restricted Biennial)	0	0	0	24,974	0	0	0	0	0	0

	Fiscal 2004			Fiscal 2005		
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
2. General Services Program (02)						
948.876	0	0	0	0	0	948.882
3. Student Services (03)						
1,004,336	0	27,782	0	27,782	0	1,032,118
4. Education (04)						
1,789,388	341,095	68,944	0	1,399,347	0	2,200,485
a. Montana Telecommunications Access Program Funding (OTO)						
55,995	0	0	0	55,995	0	55,995
Total	347,1264	341,676	96,656	0	3,509,636	3,485,148
Item 1 includes a reduction in general fund money of \$6,1868 in fiscal year 2004 and \$61,868 in fiscal year 2005 for the statewide FTE reduction. The agency may allocate this reduction in funding among programs when developing 2005 biennium operating plans.						

MONTANA ARTS COUNCIL (5114)

1. Promotion of the Arts (01)						
267,719	168,100	593,116	0	0	1,024,935	287,287
a. Legislative Audit (Restricted Biennial)						
18,402	0	0	0	0	18,402	0
Total	286,131	168,100	593,116	0	1,043,337	387,387
Item 1 includes a reduction in general fund money of \$2,026 in fiscal year 2004 and \$2,026 in fiscal year 2005 for the statewide FTE reduction.						

All federal funds in item 1 are biennial appropriations.

If legislation is not passed in a manner authorizing the payment of administrative costs from the research and commercialization state special revenue account established in 90-3-1002, the general fund money in item 1 is reduced by \$7,543 in fiscal year 2004 and by \$8,709 in fiscal year 2005.

	Fiscal 2004				Total	Fiscal 2005				Total	
	General Fund	State Special Revenue	Proprietary	Other		General Fund	State Special Revenue	Federal Special Revenue	Proprietary		Other
MONTANA STATE LIBRARY COMMISSION (5115)											
1. Statewide Library Resources (01)											
1.571.120	869,615	12,30,694	0	0	3,671,629	1,886,893	866,700	180,694	0	0	3,233,387
a. Legislative Audit (Restricted Biennial)											
15,713	0	0	0	0	15,713	0	0	0	0	0	0
Total											
1,586,833	869,615	12,30,694	0	0	3,687,342	1,886,893	866,700	180,694	0	0	3,233,387
Item 1 includes biennial appropriations of \$251,138 in general fund money and \$850,000 in federal funds for grants to local libraries.											
Item 1 includes a reduction in general fund money of \$10,940 in fiscal year 2004 and \$10,940 in fiscal year 2005 for the statewide PTE reduction.											
If House Bill No. 177 is not passed and approved, item 1 is increased by \$151,351 of state special revenue in fiscal year 2004 and \$155,124 of state special revenue authority in fiscal year 2005.											
The state library commission is to report semiannually on natural resource information system activities and expenditures to the legislative finance committee during the 2003-04 interim. The report is to include the following:											
(1) a listing of current projects with the related project scope and funding amounts;											
(2) a listing of active contracts, each contract's purpose, whom the contract is with, and the funding amounts; and											
(3) categories and types of data collected.											
MONTANA HISTORICAL SOCIETY (5117)											
1. Administration Program (01)											
237,563	134,531	94,000	61,682	0	1,167,476	840,842	184,938	94,000	61,626	0	1,181,406
a. Legislative Audit (Restricted Biennial)											
28,917	0	0	0	0	28,917	0	0	0	0	0	0
2. Library Program (02)											

	Fiscal 2004					Fiscal 2005						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
597,072	2,819	0	55,199	0	0	655,090	597,010	3,834	0	55,243	0	655,076
3. Museum Program (03)												
181,401	363,593	0	6,700	0	0	541,094	181,594	365,594	0	6,712	0	544,560
4. Publications (04)												
46,782	0	0	731,804	0	0	778,586	46,782	0	0	731,801	0	761,253
5. Historic Preservation Program (06)												
45,803	0	646,557	0	0	0	651,860	46,339	0	647,402	0	0	653,741
Total												
1,726,706	540,333	740,557	855,085	0	0	3,863,693	1,712,637	544,316	741,402	855,181	0	3,857,535
Item 1 includes a reduction in general fund money of \$24,660 in fiscal year 2004 and \$24,660 in fiscal year 2005 for the statewide FIRE reduction. The agency may allocate this reduction in funding among programs when developing 2005 biennium operating plans.												

Item 1 includes a reduction in general fund money of \$24,660 in fiscal year 2004 and \$24,660 in fiscal year 2005 for the statewide FTE reduction. The agency may allocate this reduction in funding among programs when developing 2005 biennium operating plans.

It is the intent of the legislature that the department of commerce use lodging facility use taxes to fund \$617,008 in fiscal year 2004 and \$621,017 in fiscal year 2005 for the Montana Historical Society. This is to be expended as follows:

Historical Interpretation	\$156,857	\$153,627
Scraper Collection	120,151	127,390
Lewis and Clark Exhibit and Interpretation	100,000	100,000
Lewis and Clark Bicentennial Commission	200,000	200,000

The first three uses of lodging taxes are budgeted in items 1 and 3. The \$200,000 each fiscal year of the biennium for the Lewis and Clark Bicentennial Commission is a language appropriation.

MONTANA UNIVERSITY SYSTEM INCLUDING OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION AND EDUCATIONAL UNITS AND AGENCIES (5100)

1. OCHE — Administration (01)												
1,296,553	0	0	0	0	1,296,553	1,298,005	0	0	0	0	0	1,298,005

	Fiscal 2004				Fiscal 2005			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue
a. Legislative Audit (Restricted Biennial)								
28,917	0	0	0	0	0	0	0	0
2. OCHE — Student Assistance (02)								
8,637,675	0	189,985	0	0	8,827,664	8,827,664	0	189,985
3. OCHE — Dwight D. Eisenhower Mathematics and Science Education Act (03)								
0	0	308,033	0	0	308,033	0	0	308,033
4. OCHE — Community College Assistance (04) (Biennial)								
6,305,140	0	0	0	0	6,305,140	6,305,140	0	0
a. Legislative Audit (Restricted Biennial)								
28,630	0	0	0	0	28,630	0	0	0
b. State Support per Resident Student — Coal Tar Trust (Biennial QTO)								
0	0	0	0	706,000	706,000	0	0	0
c. Philip Shug Community College Grant Application (Restricted QTO)								
10,000	0	0	0	0	10,000	0	0	0
5. OCHE — Talent Search (05)								
92,398	0	2,458,019	0	0	2,460,417	92,398	0	2,458,019
6. OCHE — C.D. Perkins Administration (08)								
74,299	0	6,896,418	0	0	6,970,717	74,299	0	6,896,418
7. OCHE — Appropriation Distribution Transfers (09)								
99,602,555	12,435,000	0	0	0	112,037,555	99,602,555	12,435,000	0
a. Legislative Audit (Restricted Biennial)								
235,554	0	0	0	0	235,554	0	0	0
b. Agricultural Experiment Station								
9,980,299	0	0	0	0	9,980,299	9,980,299	0	0
c. Institute for Biobased Products and Food Science								
200,000	0	0	0	0	200,000	200,000	0	0
d. Extension Service								
4,338,100	0	0	0	0	4,338,100	4,338,100	0	0

	Fiscal 2004					Fiscal 2005						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
e. Montana Beef Network (Restricted Biennial)	50,000	0	0	0	0	50,000	50,000	0	0	0	0	50,000
f. Forestry and Conservation Experiment Station	919,661	0	0	0	0	919,661	919,661	0	0	0	0	919,661
g. Bureau of Mines and Geology	1,570,646	666,000	0	0	0	2,236,646	1,570,646	666,000	0	0	0	2,236,646
h. Fire Services Training School	507,637	0	0	0	0	507,637	507,637	0	0	0	0	507,637
i. Fire Services Training School Moving Expenses (Biennial OTO)	49,000	0	0	0	0	49,000	0	0	0	0	0	0
j. Dental Hygiene Program (Restricted Biennial)	235,000	0	0	0	0	235,000	235,000	0	0	0	0	235,000
k. Additional General Fund — SB 407 Contingency (Biennial)	5,500,000	0	0	0	0	5,500,000	0	0	0	0	0	0
l. Yellow Bay — Water Quality Monitoring — Flathead Basin (Restricted Biennial OTO)	85,000	0	0	0	0	85,000	85,000	0	0	0	0	85,000
m. Rocky Mountain Agile Virtual Enterprise Program (Biennial OTO)	150,000	0	0	0	0	150,000	150,000	0	0	0	0	150,000
n. State Support per Resident Student — Coal Tar Trust (Biennial OTO)	0	0	0	0	8,178,400	8,178,400	0	0	0	0	0	0
o. Tribal College Assistance Program (11) (Biennial)	96,500	0	0	0	0	96,500	0	0	0	0	0	0
p. OCHE — Guaranteed Student Loan (12)	0	0	32,247,755	0	0	32,247,755	0	0	35,245,226	0	0	35,245,226
q. Legislative Audit (Restricted Biennial)	0	0	4,732	0	0	4,732	0	0	4,732	0	0	4,732
10. OCHE — Board of Regents (13)	51,889	0	0	0	0	51,889	51,889	0	0	0	0	51,889

Fiscal 2004			Fiscal 2005		
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Total					
139,986,637	13,101,000	43,030,644	0	8,884,400	203,991,681
			134,559,487	134,289,999	450,747,470
			0	0	194,909,966

Item 1 includes a reduction in general fund money of \$22,540 in fiscal year 2004 and \$22,540 in fiscal year 2005 for the statewide FTE reduction. The agency may allocate this reduction in funding among programs when developing 2005 biennium operating plans.

General fund money and state and federal special revenue funds appropriated to the board of regents are included in items 1 through 10. All other public funds received by units of the Montana university system (other than plant funds appropriated in House Bill No. 5, relating to long-range building) are appropriated to the board of regents and may be expended under the provisions of 17-7-138(2). The board of regents shall allocate the appropriations to individual university system units as defined in 17-7-102(13), according to board policy.

Items 1 through 3, 5 through 7a, 7b, 9, and 10 are a single biennial lump sum appropriation.

In addition to the requirements in 17-1-102(4), all university system units except the office of the commissioner of higher education, shall account for expenditures consistently within programs and fund across all units and shall use the standards of accounting and reporting as described by the national association of college and university business officers as a minimum for achieving consistency.

The Montana university system, except the office of the commissioner of higher education and the community colleges, shall provide the office of budget and program planning and the legislative fiscal division banner access to the entire university system database information system, except for information pertaining to individual students or individual employees that is protected by Article II, sections 9 and 10, of the Montana constitution, 20-25-515, or the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g. The Montana university system shall provide the electronic data required for human resource data for the current unrestricted operating funds into the MBARS system. The salary and benefit data provided must reflect approved board of regents operating budgets.

Total audit costs of the office of the commissioner of higher education are estimated to be \$28,517.

The budget amount for each full-time equivalent student at the community colleges, including Summitnet, is \$5,705 each year of the 2005 biennium, before pay plan, if any. The general fund appropriation in item 4 provides 46% of the budget amount for each full-time equivalent student each year of the 2005 biennium. The remaining 54% of the budget amount for each full-time equivalent student must be paid from funds other than those appropriated in items 4 and 4a.

Total Summitnet costs are estimated to be \$25,000 each year for the community colleges. Summitnet costs for each year may not exceed \$8,000 each for Dawson and Miles community colleges and \$9,000 for Flathead Valley community college.

Total audit costs are estimated to be \$54,000 for the community colleges for the biennium. The general fund appropriation for each community college provides 53% of the total audit costs in the 2005 biennium. The remaining 47% of these costs must be paid from funds other than those appropriated in item 4a. Audit costs for the biennium may not exceed \$16,000 each for Dawson and Miles community colleges and \$22,000 for Flathead Valley community college.

General Fund	State Special Revenue	Fiscal 2004			Total	General Fund	State Special Revenue	Fiscal 2005			Other	Total
		Federal Revenue	Proprietary	Other				Federal Special Revenue	Proprietary	Other		

Revenue anticipated to be received by the Montana university system units and colleges of technology includes:

- (1) interest earnings of \$1,460,000 each year of the 2005 biennium; and
- (2) other revenue of \$1,183,000 each year of the 2005 biennium.

These amounts are appropriated for current unrestricted operating expenses as a biennial lump-sum appropriation and are in addition to the funds shown in item 7.

The legislature acknowledges that tuition rates are determined by the board of regents and that tuition revenue is considered private revenue and therefore not subject to legislative appropriation.

Item 7 includes \$985,620 for the 2005 biennium that must be transferred to the energy conservation program account and used to retire the general obligation bonds sold to fund energy improvements through the state energy conservation program. The costs of this transfer in each year of the biennium are: university of Montana-Missoula, \$157,100 in fiscal year 2004 and \$135,100 in fiscal year 2005; Montana Tech of the University of Montana, \$28,000; Montana State University-Northern, \$87,800 in fiscal year 2004 and \$83,800 in fiscal year 2005; Montana State University-Bozeman, \$58,000; Montana State University-Billings, \$161,500; and Western Montana College of the University of Montana, \$12,410.

Item 7 includes a total of \$44,253 of general fund money for the 2005 biennium for the Montana natural resource information system (NRIS). The Montana university system shall pay an additional \$44,253 for the 2005 biennium in current funds in support of NRIS. Quarterly payments must be made upon receipt of the bills from the state library, up to the total amount appropriated.

Total audit costs are estimated to be \$473,188 for the university system, other than the office of the commissioner of higher education. Each unit shall pay a percentage of these costs from funds other than those appropriated in item 7a.

Revenue anticipated to be received by the agricultural experiment station includes:

- (1) interest earnings and other revenue of \$184,472 each year of the 2005 biennium;
- (2) federal revenue of \$2,022,075 in fiscal year 2004 and \$2,022,078 in fiscal year 2005; and
- (3) sales revenue of \$939,881 in fiscal year 2004 and \$939,881 in fiscal year 2005.

These amounts are appropriated for current unrestricted operating expenses and are in addition to the funds shown in item 7b.

	Fiscal 2004			Fiscal 2005		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue

The general fund money in item 7c is appropriated with the condition that prior to the expenditure of the general fund money, the Montana agricultural experiment station collect \$140,000 of nonstate money each year of the 2005 biennium for the purpose of supporting the Institute for Bio-based Products and Food Science.

Revenue anticipated to be received by the extension service includes:

- (1) interest earnings of \$20,606 each year of the 2005 biennium; and
- (2) federal revenue of \$2,490,698 in fiscal year 2004 and \$2,485,644 in fiscal year 2005.

These amounts are appropriated for current unrestricted operating expenses and are in addition to the funds shown in item 7d.

Item 7e is a biennial, restricted appropriation for one staff person and for expenses for the Montana beef network within the extension service.

Anticipated interest revenue of \$4,858 in each year of the 2005 biennium is appropriated to the forestry and conservation experiment station for current unrestricted operating expenses. This amount is in addition to that shown in item 7f.

Anticipated sales revenue of \$29,157 each year of the 2005 biennium is appropriated to the bureau of mines and geology for current unrestricted operating expenses. This amount is in addition to that shown in item 7g.

Anticipated interest revenue of \$1,545 each year of the 2005 biennium is appropriated to the fire services training school for current unrestricted operating expenses. This amount is in addition to that shown in item 7h.

Item 7k is contingent upon passage and approval of Senate Bill No. 407.

Items 4b and 7n are appropriated from the coal severance tax permanent fund principal. These appropriations are subject to the provisions of [section 8].

The general fund money in item 7l is appropriated with the condition that the funds be used by the Yellowstone Biological Station to monitor water quality in the Flathead basin.

TOTAL SECTION E															
660 B.F.S13	16,139,493	1,782,72,931	855,065	1,3384,400	869,750,811	657,385,337	16,365,845	191,846,539	869,751	0	865,357,591				
TOTAL STATE FUNDING															
1,155,649,659	60,605,776	1,451,030,810	131,78,746	34,305,942	318,764,943	1,153,179,343	468,900,633	1,519,927,717	11,940,770	518,359	3,114,646,573				

Section 14. Rates. Internal service fund type fees and charges established by the legislature for the 2005 biennium in compliance with 17-7-123(1)(f)(ii) are as follows:

	<u>Fiscal Year</u> <u>2004</u>	<u>Fiscal Year</u> <u>2005</u>
DEPARTMENT OF TRANSPORTATION — 5401		
1. State Motor Pool		
a. Class 02 (small utilities)		
per hour assigned	\$2.040	\$2.211
per mile operated	\$0.098	\$0.098
b. Class 04 (large utilities)		
per hour assigned	\$2.251	\$2.469
per mile operated	\$0.099	\$0.099
c. Class 06 (mid-size compacts)		
per hour assigned	\$1.370	\$1.516
per mile operated	\$0.067	\$0.067
d. Class 07 (small pickups)		
per hour assigned	\$1.123	\$1.243
per mile operated	\$0.110	\$0.110
e. Class 11 (large pickups)		
per hour assigned	\$1.284	\$1.451
per mile operated	\$0.123	\$0.123
f. Class 12 (vans – all type)		
per hour assigned	\$1.372	\$1.476
per mile operated	\$0.134	\$0.134
2. Equipment Program		
b. All of program operations	60-day working capital reserve	
DEPARTMENT OF REVENUE – 5801		
1. Customer Service Center		
a. Delinquent Account Collection Fee (percent of amount collected)	10.0%	10.0%
DEPARTMENT OF ADMINISTRATION — 6101		
1. Administration and Financial Services Division		
a. Legal Services Unit		
Teachers' Retirement	\$20,071	\$20,071
Personnel Division	\$21,504	\$21,504
Risk Management & Tort Defense	\$1,434	\$1,434
General Services	\$5,018	\$5,018
Architecture & Engineering	\$15,770	\$15,770
Information Services	\$19,354	\$19,354
Consumer Affairs	\$35,841	\$35,841
Banking Division	\$8,602	\$8,602
Lottery	\$14,336	\$14,336
Local Government Services	\$7,168	\$7,168

b.	Management Services Unit		
	Administrative Financial Services	\$53,239	\$53,290
	Architecture & Engineering	\$8,792	\$8,788
	General Services	\$78,474	\$78,451
	Information Services	\$237,023	\$236,913
	Personnel Division	\$21,165	\$21,157
	Risk Management & Tort Defense	\$39,534	\$39,517
	Banking Division	\$28,612	\$28,636
	Lottery	\$29,397	\$29,384
	State Tax Appeal Board	\$4,250	\$4,254
	Appellate Defender	\$2,733	\$2,736
	Montana Consensus Council	\$3,920	\$3,924
c.	Network Support Unit		
	Support per computer	\$690	\$688
d.	Warrant Writer Program		
	Mailer Warrants	\$0.58624	\$0.58017
	Non-Mailer Warrants	\$0.17803	\$0.17195
	Duplicate Warrants	\$5.63949	\$5.63768
	External Warrants	\$0.15523	\$0.14915
	Emergency Warrants	\$4.26759	\$4.26588
e.	Human Resources Unit		
	Teachers' Retirement	\$5,278	\$5,299
	Public Employees' Retirement	\$10,062	\$10,101
	Administrative Financial Services	\$9,568	\$9,605
	Architecture & Engineering	\$5,608	\$5,630
	General Services	\$27,525	\$27,633
	Banking Division	\$8,247	\$8,280
	Lottery Division	\$10,556	\$10,598
	Risk Management & Tort Defense	\$5,278	\$5,299
	Information Technology Services Division	\$29,690	\$29,806
	Personnel Division	\$6,928	\$6,955
	Montana Consensus Council	\$660	\$662
2.	General Services Division		
a.	Facilities Management Bureau		
	Office rent (\$ per sq. ft.)	\$5.988	\$6.22
	Storage rent (\$ per sq. ft.9)	\$2.27	\$2.29
	In-house project management (% of cost)	15%	15%
	Contracted project management (% of cost)	5%	5%
b.	Mail Services Section		
	Interagency mail (total amount allocated to agencies)	\$134,012	\$134,012
	All other operations except interagency mail	60-day working capital reserve	
c.	Print Services Section	60-day working capital reserve	

d.	Central Stores Program		
	All of program operations	60-day working capital reserve	
e.	Statewide Fueling Network Program		
	All of program operations	45-day working capital reserve	
f.	State Procurement Card Program		
	Monthly card fee (per card per month)	\$1.00	\$1.00
3.	Information Technology Services Division		
	Data Network Fee (per connected terminal per month)	\$72.60	\$72.60
	All other operations except data network	45-day working capital reserve	
4.	State Personnel Division		
a.	Professional Development Center		
	Training Services	\$128.12	\$125.59
b.	Payroll Processing		
	State Payroll Unit	\$435,310	\$461,614
c.	State Recruitment Advertising		
	Administrative Fee (per FTE per year)	\$12	\$12
5.	Risk Management & Tort Defense		
a.	General liability (total allocation to agencies)	\$10,566,132	\$11,205,485
b.	Auto liability, comprehensive, and collision (total allocation to agencies)	\$1,072,901	\$1,084,370
c.	Aviation (total allocation to agencies)	\$165,728	\$165,822
d.	Property/Miscellaneous (total allocation to agencies)	\$2,965,254	\$2,997,090

DEPARTMENT OF FISH, WILDLIFE, & PARKS — 5201

1.	Administration and Finance (% markup)		
a.	Warehouse Overhead	5%	5%
2.	Vehicle Account Rates Per Mile		
a.	Sedans	\$0.28	\$0.31
b.	Vans	\$0.29	\$0.32
c.	Utilities	\$0.36	\$0.38
d.	Grounds Maintenance	\$0.95	\$1.00
e.	Pickup 1/2 Ton	\$0.35	\$0.36
f.	Pickup 3/4 Ton	\$0.36	\$0.36
3.	Aircraft Per Hour Rates		
a.	2 Place Single Engine	\$56.72	\$56.72
b.	Partnavia	\$283.60	\$297.78
c.	Turbine Helicopters	\$345.72	\$345.72
4.	Duplicating – Number of Copies (includes paper)		
a.	1-20	\$0.045	\$0.050
b.	21-100	\$0.030	\$0.035
c.	101-1000	\$0.025	\$0.030
d.	1001-5000	\$0.020	\$0.025
e.	Color - per sheet	\$0.25	\$0.25
5.	Bindery		

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a. Collating (per sheet)	\$0.005	\$0.005
b. Hand Stapling (per set)	\$0.015	\$0.015
c. Saddle stitch (per set)	\$0.030	\$0.030
d. Folding (per sheet)	\$0.005	\$0.005
e. Punching (per sheet)	\$0.001	\$0.001
f. Cutting (per minute)	\$0.550	\$0.550
6. Parks – Capitol Grounds Maintenance	\$0.3696/sq.ft	\$0.3696/sq.ft.
DEPARTMENT OF ENVIRONMENTAL QUALITY — 5301		
1. Central Management		
a. Expenses Against Personal Services	23%	23%
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION — 5706		
1. Air Operations Program		
a. Bell UH-1H	\$875.00	\$875.00
b. Bell Jet Ranger	\$375.00	\$375.00
c. Cessna 180 series	\$95.00	\$95.00
DEPARTMENT OF COMMERCE – 6501		
1. Board of Investments		
For the purposes of [this act], the legislature defines “rates” as the total collections necessary to operate the board of investments as follows:		
a. Administration Charge (total)	\$2,915,000	\$2,920,000
2. Director's Office/Management Services		
a. Management Services Indirect Charge Rate	15%	15%
DEPARTMENT OF JUSTICE – 4110		
1. Agency Legal Services		
a. Attorney (per hour)	\$71.80	\$71.80
b. Paralegal (per hour)	\$39.80	\$39.80
DEPARTMENT OF CORRECTIONS - 6401		
1. Secure Facilities		
a. Cook/chill rate to Montana State Prison	\$1.37/meal	\$1.37/meal
b. Cook/chill rate to Riverside Youth Correctional Facility	\$2.01/meal	\$2.01/meal
c. Cook/chill rate to WATCH DUI Unit	\$1.59/meal	\$1.59/meal
d. Cook/chill rate to Helena Prerelease	\$2.01/meal	\$2.01/meal
2. Montana Correctional Enterprises		
a. Laundry rate to Montana State Prison	\$0.39/lb.	\$0.39/lb.
b. Laundry rate to Treasure State Correctional Training Center	\$0.39/lb.	\$0.39/lb.
c. Laundry rate to Montana State Hospital	\$0.38/lb.	\$0.38/lb.
d. Laundry rate to Montana Developmental Center	\$0.46/lb.	\$0.46/lb.
e. Laundry rate to Riverside Youth Correctional Facility	\$0.46/lb.	\$0.46/lb.
DEPARTMENT OF LABOR AND INDUSTRY – 6602		
1. Centralized Services Division		
a. Cost Allocation Plan	10%	12%
2. Business Standards Division		
a. House Bill No. 2 Programs Recharge Rate	48%	48%

OFFICE OF PUBLIC INSTRUCTION - 3501

1. OPI Indirect-Cost Pool
- 17%
- 17%

MONTANA UNIVERSITY SYSTEM - 5100

Because certain employee benefit plans require a large number of individual premiums for a variety of benefit options, because the portion of these premiums paid by the state is statutorily established in 2-18-703, and because the employee-paid portion of these premiums must be adjusted from time to time to maintain employee group benefit plans on an actuarially sound basis, the legislature defines rates and fees for Montana university system employee benefit programs to mean the state contribution toward employee group benefits provided for in 2-18-703 and the employee contribution toward employee group benefits necessary to maintain the employee group benefit plans on an actuarially sound basis.

Approved May 21, 2003

RESOLUTIONS
Passed by the
FIFTY-EIGHTH LEGISLATURE
IN REGULAR SESSION

Held at Helena, the Seat of Government
Jan u ary 6, 2003, through April 26, 2003

COM PILED BY MONTANA
LEGISLATIVE SERVICES DIVISION

House Joint Resolutions

HOUSE JOINT RESOLUTION NO. 2

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ESTABLISHING AN OFFICIAL ESTIMATE OF THE STATE'S ANTICIPATED GENERAL FUND REVENUE FOR EACH YEAR OF THE 2004-05 BIENNIUM FOR THE PURPOSE OF ACHIEVING A BALANCED GENERAL FUND BUDGET AS MANDATED BY ARTICLE VIII, SECTION 9, OF THE MONTANA CONSTITUTION; ACCEPTING A PRELIMINARY JUNE 30, 2002, UNRESERVED GENERAL FUND BALANCE THAT WAS ESTABLISHED BASED ON GENERALLY ACCEPTED ACCOUNTING PRINCIPLES; ESTABLISHING OFFICIAL ESTIMATES OF CERTAIN NONGENERAL FUND REVENUE; AND REQUESTING THAT THE GOVERNOR'S OFFICE OF BUDGET AND PROGRAM PLANNING USE THE REVENUE ESTIMATES CONTAINED IN THIS RESOLUTION AS OFFICIAL REVENUE ESTIMATES FOR FISCAL YEARS 2003, 2004, AND 2005.

WHEREAS, Article VI, section 9, of the Montana Constitution requires the Governor to submit to the Legislature a budget for the ensuing fiscal period, containing in detail for all operating funds the proposed expenditures and estimated revenue of the state; and

WHEREAS, Article VIII, section 9, of the Montana Constitution prohibits the Legislature from appropriating funds in excess of the anticipated revenue of the state; and

WHEREAS, section 5-18-107, MCA, requires the Revenue and Transportation Interim Committee to estimate the amount of revenue projected to be available for legislative appropriation and to introduce a resolution setting forth the Committee's current revenue estimate for the biennium; and

WHEREAS, section 5-18-107(2), MCA, expresses the Legislature's intent that its revenue estimates and the underlying assumptions used to derive those estimates be used by all agencies in the development of fiscal notes; and

WHEREAS, section 5-12-302(6), MCA, requires the Legislative Fiscal Analyst to assist the Revenue and Transportation Interim Committee in its revenue estimating duties; and

WHEREAS, to assist in its revenue estimating responsibilities, the Revenue and Transportation Interim Committee requested the expert assistance of the Legislative Fiscal Analyst, as allowed in section 5-18-107(3), MCA, to provide information on taxes, the economy, and revenue sources; and

WHEREAS, the Revenue and Transportation Interim Committee obtains the assistance of Executive Branch agencies in the development of the revenue estimates; and

WHEREAS, the Revenue and Transportation Interim Committee has adopted revenue estimates and the underlying assumptions used to derive those estimates for the general fund and for specific nongeneral fund sources that are significant in the development of the state budget for the 2005 biennium; and

WHEREAS, PPL-Montana has disputed the assessed value of its hydroelectric facilities in the state and has paid a portion of its property taxes under protest thereby reducing the amount of revenue available for the state general fund and the Montana University System 6-mill levy; and

WHEREAS, the amount of estimated revenue and the general fund balance affects policy decisions of the Executive Branch and the Legislative Branch; and

WHEREAS, the revenue estimates and the underlying assumptions contained in this resolution provide the basis for a comprehensive analysis of the state's revenue condition.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the state general fund revenue for fiscal years 2003, 2004, and 2005 be estimated to be \$1,195,014,000, \$1,241,443,000, and \$1,296,456,000, respectively.

BE IT FURTHER RESOLVED, that the Legislature accept for budget purposes the preliminary unreserved fiscal year 2002 fund balance of \$81,316,000 for the general fund, prepared according to generally accepted accounting principles.

BE IT FURTHER RESOLVED, that the Governor's Office of Budget and Program Planning use the revenue estimates and the underlying assumptions contained in this resolution as the official revenue estimates for fiscal years 2003, 2004, and 2005.

GENERAL FUND REVENUE

The projections for total general fund revenue for fiscal years 2003, 2004, and 2005 are based on the assumption of a continuation of Montana law as it existed on January 1, 2003. Except for fiscal year 2003, the revenue estimates contained in the following tables are based on the assumptions listed in the tables that follow the general fund estimates and the assumptions for each general fund revenue source contained in the "Revenue Estimates as Adopted by the Revenue and Transportation Interim Committee" report prepared by the Legislative Fiscal Division.

Current Law General Fund Revenue Estimates (In Millions of Dollars) Adjusted

Source of Revenue	Actual FY 2002	Estimated FY 2003	Estimated FY 2004	Estimated FY 2005
Individual Income Tax	\$517.568	\$520.764	\$556.874	\$594.339
Statewide and Vo-Tech Property Taxes	169.339	172.309	182.196	192.538
PPL-Montana Protested Property Tax Payments	0	(2.091)	(2.129)	(2.167)
Vehicle Tax	73.127	74.773	74.540	75.581
Corporation Income Tax	68.173	47.347	64.782	69.223
Common School Interest and Income	48.938	0.000	0.000	0.000
Insurance Tax and License Fees	47.291	51.446	56.038	58.441
Video Gambling Tax	43.666	45.219	44.755	45.811

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All Other Revenue	43.216	26.608	23.916	19.885
Permanent Coal Trust Interest Earnings	37.605	36.825	37.249	37.920
Motor Vehicle Fee	27.271	27.703	28.368	29.049
U.S. Mineral Royalty	19.772	22.715	23.469	22.980
Telecommunications Excise Tax	19.594	20.100	20.701	21.674
Tobacco Settlement	18.647	19.025	3.105	3.182
Public Institution Reimbursements	14.283	15.541	13.939	14.046
Estate Tax	13.816	11.015	7.516	4.625
Oil and Natural Gas Production Tax	12.902	18.403	14.600	14.469
Treasury Cash Account Interest	12.414	7.456	14.060	17.331
Liquor Excise and License Tax	9.514	9.854	10.239	10.624
Coal Severance Tax	8.469	10.221	8.384	7.857
Cigarette Tax	7.887	7.870	7.764	7.667
Lottery Profits	7.467	6.210	6.255	6.318
Nursing Facilities Fee	5.918	5.723	5.670	5.624
Liquor Profits	5.600	5.637	5.399	5.365
Investment License Fee	4.992	4.567	4.613	4.659
Electrical Energy Producers' License Tax	4.197	4.329	4.408	4.483
Highway Patrol Fines	4.062	4.142	4.224	4.308
Metalliferous Mines Tax	3.329	4.842	2.967	2.753
Public Contractors Tax	3.267	2.679	3.354	3.356
Wholesale Energy Transaction Tax	2.906	3.373	3.432	3.492
Beer Tax	2.784	2.918	3.058	3.205
Driver's License Fee	2.580	2.355	2.373	2.391
Tobacco Tax	2.183	2.262	2.353	2.444
Railroad Car Tax	1.490	1.577	1.688	1.681
Wine Tax	1.232	1.264	1.283	1.302
Telephone License Tax	0.212	0.033	0.000	0.000
Total General Fund	\$1,265.713	\$1,195.014	\$1,241.443	\$1,296.456

SIGNIFICANT ASSUMPTIONS FOR
GENERAL FUND REVENUE ESTIMATES
Revenue and Transportation Interim Committee

Year	Assumption	2002	2003	2004	2005
Individual Income Tax					
FY	Income Tax Audit Collections (Millions)	\$18.573	\$16.800	\$18.700	\$18.700
CY	Taxpayer Population (Percent Change)	0.73%	0.92%	1.23%	1.39%
FY	30% Bonus Depreciation (Percent Change)	100.00%	(16.67%)	(30.00%)	(119.43%)
Income Indicators					
CY	Wage and Salary Income (Percent Change)	3.70%	4.20%	4.80%	5.00%
CY	Net Farm Income (Percent Change)	(26.40%)	0.59%	(13.87%)	6.94%
CY	Interest Income (Percent Change)	(22.77%)	(11.22%)	27.20%	10.00%
CY	Dividend Income (Percent Change)	3.58%	4.81%	2.71%	2.34%
CY	Rent, Royalty, and Partnership Income (Percent Change)	7.38%	8.40%	8.06%	7.16%
CY	Net Business Income (Percent Change)	1.22%	0.86%	1.48%	0.72%

CY	Capital Gains and Losses (Percent Change)	(28.00%)	0.00%	7.50%	7.50%
CY	Supplemental Gains (Percent Change)	(11.97%)	(2.80%)	29.38%	(2.62%)
CY	Social Security Income (Percent Change)	7.46%	6.75%	6.18%	5.69%
CY	IRA Income (Percent Change)	0.49%	3.87%	8.04%	8.04%
CY	Pension Income (Percent Change)	0.49%	3.87%	5.89%	5.89%
CY	Other Income (Percent Change)	0.00%	0.00%	0.00%	0.00%
CY	Bond Interest (Percent Change)	5.30%	4.25%	6.98%	8.04%
CY	Federal Income Tax Refunds (Percent Change)	15.48%	0.37%	8.70%	6.02%
CY	Other Additions to Income (Percent Change)	8.58%	0.67%	5.55%	4.31%
CY	IRA Deduction (Percent Change)	8.55%	5.38%	4.41%	7.37%
CY	Reductions to Income (Percent Change)	(2.91%)	2.75%	4.98%	3.97%
	Deductions From Income				
CY	Medical Premiums (Percent Change)	5.87%	5.87%	5.87%	5.87%
CY	Medical Deductions (Percent Change)	16.85%	8.51%	6.20%	6.78%
CY	Real Estate Tax (Percent Change)	3.00%	3.00%	3.00%	3.00%
CY	Prior Year Federal Tax Payments (Percent Change)	1.31%	3.33%	3.22%	3.12%
CY	Motor Vehicle Taxes and Fees (Percent Change)	2.00%	2.00%	2.00%	2.00%
CY	Home Mortgage (Percent Change)	0.85%	3.78%	9.27%	9.95%
CY	Contributions (Percent Change)	7.84%	9.96%	7.44%	6.98%
CY	Gambling Losses (Percent Change)	0.00%	0.00%	0.00%	0.00%
CY	Total Itemized Deductions (Percent Change)	(0.20%)	3.79%	4.44%	4.19%
	Credits				
CY	Home Owner and Renter Credit (Millions)	\$9.640	\$9.736	\$9.834	\$10.031
CY	All Credits (Percent Change)	(19.19%)	20.31	1.94%	3.57%
CY	Planned Gifts (Percent Change)	(52.93%)	78.98%	(10.40%)	(4.84%)
	Other Individual Income Tax Assumptions				
CY	Tax Liability (Millions)	\$505.564	\$519.529	\$558.116	\$590.477
CY	Current Calendar Year to Fiscal Year Conversion	52.1%	52.1%	52.1%	52.1%
CY	Previous Calendar Year to Fiscal Year Conversion	47.9%	47.9%	47.9%	47.9%
FY	Fiscal Year 2002 Base (Millions)	\$517.568			
	Property Taxes: Taxable Value and Other Property Tax Indicators				
	Taxable Value—40-Mill, 55-Mill, and 1.5-Mill Levies				
FY	Property Class One (Millions)	\$7.843	\$8.691	\$8.691	\$8.691
FY	Property Class Two (Millions)	\$11.015	\$10.669	\$8.753	\$8.479
FY	Property Class Three (Millions)	\$139.057	\$138.900	\$141.803	\$145.361
FY	Property Class Four (Millions)	\$954.102	\$1,002.874	\$1,061.830	\$1,143.202
FY	Property Class Five (Millions)	\$35.668	\$35.382	\$36.373	\$37.391
FY	Property Class Six (Millions)	\$12.459	\$3.824	\$0.000	\$0.000
FY	Property Class Seven (Millions)	\$0.189	\$0.216	\$0.255	\$0.300
FY	Property Class Eight (Millions)	\$116.605	\$120.058	\$124.620	\$129.356
FY	Property Class Nine (Millions)	\$219.956	\$206.360	\$210.487	\$214.697

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FY	Property Class Ten (Millions)	\$8.199	\$7.170	\$6.838	\$6.894
FY	Property Class Twelve (Millions)	\$48.658	\$46.688	\$47.896	\$48.394
FY	Property Class Thirteen (Millions)	\$144.488	\$137.185	\$139.929	\$142.727
FY	Total Taxable Value (Millions)	\$1,671.590	\$1,691.086	\$1,758.923	\$1,855.234
	Other Property Tax Indicators				
FY	Tax Increment Finance Value (Millions)	\$30.530	\$30.803	\$32.423	\$34.129
FY	Property Tax Abatement Value (Millions)	\$3.880	\$3.870	\$3.870	\$3.870
FY	Taxable Value in Vo-Tech Counties (Millions)	\$563.452	\$587.107	\$611.232	\$644.762
	Property Tax Nonlevy Revenue				
FY	40-Mill Nonlevy Revenue (Millions)	\$4.650	\$4.592	\$4.979	\$4.936
FY	40-Mill Adjustments (Millions)	(\$9.888)	(\$8.475)	(\$7.063)	(\$5.650)
FY	55-Mill Nonlevy Revenue (Millions)	\$16.144	\$16.056	\$16.734	\$16.572
FY	55-Mill Adjustments (Millions)	\$0.000	(\$0.430)	(\$0.430)	(\$0.430)
FY	1.5-Mill Nonlevy Revenue (Millions)	\$0.020	\$0.000	0.000	\$0.000
FY	1.5-Mill Adjustments (Millions)	\$0.034	\$0.000	\$0.000	\$0.000
	Vehicle Tax				
FY	Large Trucks Growth Rate (Percent Change)	0.00%	2.10%	2.10%	2.10%
FY	Motor Home Growth Rate (Percent Change)	0.00%	2.10%	2.10%	2.10%
FY	Light Vehicle Growth Rate (Percent Change)	0.00%	2.10%	2.10%	2.10%
FY	Boat and Snowmobile Growth Rate (Percent Change)	0.00%	2.10%	2.10%	2.10%
FY	New Light Vehicle Registration Growth Rate (Percent Change)	0.00%	2.10%	2.10%	2.10%
	Corporation License Tax				
FY	U.S. Profits (Billions)	\$666.200	\$761.500	\$794.000	\$819.600
FY	Penalty and Interest (Millions)	\$1.659	\$0.000	\$0.000	\$0.000
FY	Corporate Income Tax Audits (Millions)	\$4.257	\$4.500	\$4.000	\$3.500
FY	Depreciation (Millions)	\$0.000	(\$5.000)	(\$3.500)	\$0.680
FY	Adjustments (Millions)	\$0.000	(\$9.000)	\$0.000	\$0.000
	Insurance Premiums Tax and License Fees				
FY	General Fund Fee Revenue (Millions)	\$0.291	\$0.291	\$0.291	\$0.291
FY	Genetics Fee (Millions)	\$0.570	\$0.575	\$0.575	\$0.575
FY	Premiums Tax (Millions)	\$47.678	\$52.823	\$56.790	\$59.193
FY	Offsets (Millions)	\$0.736	\$1.843	\$1.218	\$1.218
FY	Refunds (Millions)	\$0.513	\$0.400	\$0.400	\$0.400
	Video Gambling Tax				
FY	Video Machine Net Income (Millions)	\$290.307	\$296.114	\$302.036	\$308.076
	Motor Vehicle Fee—General Fund Allocations				
FY	Motor Vehicle Registration Fee (Millions)	\$21.180	\$21.491	\$22.007	\$22.535
FY	Recording of Liens Fee (Millions)	\$0.728	\$0.745	\$0.763	0.782
FY	Title Fee (Millions)	\$2.353	\$2.409	\$2.467	\$2.526
FY	Personal License Plate Fee (Millions)	\$1.270	\$1.300	\$1.331	\$1.363
FY	New License Plate Fee (Millions)	\$0.525	\$0.537	\$0.550	\$0.563

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FY	Computer Fee (Millions)	(\$0.001)	\$0.000	\$0.000	\$0.000
FY	Highway Patrol Fee (Millions)	\$0.024	\$0.000	\$0.000	\$0.000
FY	Senior Citizen Transit Fee (Millions)	\$0.109	\$0.111	\$0.114	\$0.117
FY	Other Fees (Millions)	\$1.084	\$1.110	\$1.137	\$1.164
U.S. Mineral Royalty					
CY	Oil Production (Millions of Barrels)	2.920	2.955	2.987	3.101
CY	Coal Production (Millions of Tons)	24.299	22.001	23.315	20.827
CY	Natural Gas Production (MMCF)	23.708	25.719	27.569	29.271
CY	Oil Price (Per Barrel)	\$22.519	\$21.711	\$21.224	\$20.737
CY	Coal Price (Per Ton)	\$8.465	\$8.300	\$8.195	\$7.730
CY	Natural Gas Price (Per MCF)	\$2.574	\$3.842	\$3.727	\$3.624
CY	Oil Royalty Rate (Percent)	10.97%	10.94%	10.96%	10.93%
CY	Coal Royalty Rate (Percent)	12.34%	12.32%	12.32%	12.33%
CY	Natural Gas Royalty Rate (Percent)	12.28%	12.29%	12.29%	12.30%
CY	Other Royalties (Millions)	\$0.108	\$0.108	\$0.107	\$0.108
CY	Rent and Bonus (Millions)	\$4.432	\$4.450	\$4.426	\$4.226
CY	Administration Fee (Millions)	\$0.000	\$0.000	\$0.000	\$0.000
FY	One-Time Settlement (Millions)	\$0.000	\$0.000	\$0.000	\$0.000
Telecommunications Excise Tax					
FY	Taxable Gross Receipts (Millions)	\$525.235	\$535.991	\$560.013	\$585.963
FY	Credits (Millions)	\$0.135	\$0.000	\$0.300	\$0.300
Tobacco Settlement					
FY	Volume Change (Percent Change)	(4.58%)	(1.50%)	(1.00%)	(1.00%)
FY	Cumulative Volume Change (Percent Change)	(19.22%)	(20.43%)	(21.23%)	(22.02%)
FY	CPI Change (Percent Change)	3.00%	3.00%	3.00%	3.00%
FY	Cumulative CPI Change (Percent Change)	9.68%	12.97%	16.36%	19.85%
FY	Operating Income Adjustment (Millions)	\$0.000	\$0.000	\$0.000	\$0.000
FY	Subsequent Manufacturer's Payment (Millions)	\$144.418	\$163.154	\$189.850	\$227.543
Public Institution Reimbursements					
FY	Private Payments (Millions)	\$1.483	\$2.165	\$2.181	\$2.200
FY	Insurance Payments (Millions)	\$0.317	\$0.545	\$0.556	\$0.555
FY	Medicaid Payments (Millions)	\$10.995	\$14.811	\$14.740	\$14.832
FY	Medicare Payments (Millions)	\$1.488	\$2.578	\$2.629	\$2.624
FY	Debt Service MT Developmental Center (Millions)	(\$1.075)	(\$1.075)	(\$1.079)	(\$1.076)
FY	Debt Service MT State Hospital (Millions)	(\$1.911)	(\$1.911)	(\$1.909)	(\$1.909)
FY	Adjustments (Millions)	\$0.000	(\$1.573)	(\$3.180)	(\$3.180)
Estate Tax					
FY	Annual Change in Tax (Percent Change)	(31.89%)	(26.51%)	(25.98%)	(38.47%)
Oil Production Tax					
CY	Oil Production (Million Barrels)	16.191	16.383	16.560	16.812
CY	Montana Oil Price (Weighted Price/Barrel)	\$23.13	\$22.30	\$21.80	\$21.30
CY	Exempt Value of Production (Millions)	\$13.632	\$13.308	\$13.158	\$13.035

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CY	Effective Tax Rate (Percent)	10.26%	10.17%	10.09%	9.98%
Natural Gas Production Tax					
CY	Natural Gas Production (MMCF)	84.504	91.671	98.266	104.332
CY	Montana Natural Gas Price (Weighted Price/MCF)	\$2.01	\$3.00	\$2.91	\$2.83
CY	Exempt Value of Production (Millions)	\$7.637	\$12.119	\$12.399	\$12.633
CY	Effective Tax Rate (Percent)	10.44%	10.29%	10.17%	10.06%
Treasury Cash Account Interest					
FY	TCA Average Balance w/TRANS (Millions)	\$273.343	\$302.847	\$302.176	\$302.345
FY	TCA Average Yield (Percent)	4.83%	3.70%	4.65%	5.73%
FY	TRANS Issue Size (Millions)	\$0.000	\$92.800	\$65.500	\$65.500
Liquor Excise and License Tax					
FY	Tribal Distributions (Millions)	(\$0.133)	(\$0.138)	(\$0.144)	(\$0.149)
Coal Severance Tax					
CY	Severance Tax Coal Production (Million Tons)	33.392	32.806	33.065	29.950
CY	Montana Contract Sales Price (Weighted CSP/Ton)	\$6.293	\$6.219	\$6.219	\$5.957
Cigarette Tax					
FY	Cigarette Packs (Millions)	67.334	67.195	66.288	65.459
FY	Effective Tax Rate Per Pack (Cents)	16.41	16.41	16.41	16.41
FY	Tribal Distribution (Millions)	(\$0.254)	(\$0.254)	(\$0.250)	(\$0.247)
Lottery Profits					
FY	Total Lottery Sales (Millions)	\$33.632	\$30.597	\$30.765	\$30.933
FY	Lottery Interest Earnings (Millions)	\$0.146	\$0.089	\$0.132	\$0.192
FY	Other Revenue (Millions)	\$0.039	\$0.039	\$0.039	\$0.039
FY	Lottery Operating Budget (Millions)	\$6.855	\$6.855	\$6.924	\$6.993
FY	Lottery Prizes and Commissions (Millions)	\$19.086	\$17.660	\$17.757	\$17.854
Nursing Facilities Fee					
FY	Bed Days (Millions)	2.073	2.044	2.025	2.009
Liquor Profits					
FY	Gross Liquor Sales (Millions)	\$62.515	\$64.730	\$67.260	\$69.791
FY	Cost of Goods Sold (Millions)	\$35.767	\$37.117	\$38.682	\$40.256
FY	Liquor Discounts and Commissions (Millions)	\$6.797	\$7.038	\$7.313	\$7.589
FY	Liquor Operating Costs (Millions)	\$1.416	\$1.530	\$1.519	\$1.523
FY	Other Income (Millions)	\$0.001	\$0.000	\$0.000	\$0.000
Investment License Fee					
FY	License Registration (Percent Change)	(15.23%)	(8.50%)	1.00%	1.00%
FY	Portfolio Growth (Percent Change)	(3.41%)	1.00%	1.00%	1.00%
FY	Expense Growth (Percent Change)	49.16%	3.00%	0.00%	0.00%
Electrical Energy Tax					
FY	Kilowatt Hours Produced (Millions)	21,642.219	21,645.402	22,040.741	22,417.203
Highway Patrol Fines					
FY	Highway Patrol Fines (Percent Change)	2.04%	1.98%	1.98%	1.98%
Metalliferous Mines Tax					
CY	Copper Production (Million lb)	0.343	0.391	0.391	0.391

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CY	Silver Production (Million oz)	0.748	0.751	0.738	0.738
CY	Gold Production (Million oz)	0.184	0.219	0.076	0.076
CY	Lead Production (Million lb)	10.768	10.768	10.768	10.768
CY	Zinc Production (Million lb)	23.819	23.819	23.819	23.819
CY	Molybdenum Production (Million lb)	0.000	0.000	0.000	0.000
CY	Palladium Production (Million oz)	0.493	0.563	0.563	0.563
CY	Platinum Production (Million oz)	0.147	0.167	0.167	0.167
CY	Nickel Production (Million lb)	0.769	0.878	0.878	0.878
CY	Rhodium Production (Million oz)	0.004	0.005	0.005	0.005
CY	Sapphire Production (Million oz)	0.000	0.000	0.000	0.000
CY	Iron Oxide Production (Million lb)	0.000	0.000	0.000	0.000
CY	Copper Sulfide Production (Million lb)	0.000	0.000	0.000	0.000
CY	Copper Price (Per lb)	\$0.635	\$0.630	\$0.633	\$0.631
CY	Silver Price (Per oz)	\$4.630	\$4.440	\$4.680	\$4.900
CY	Gold Price (Per oz)	\$306.000	\$322.000	\$332.000	\$324.000
CY	Lead Price (Per lb)	\$0.219	\$0.215	\$0.213	\$0.216
CY	Zinc Price (Per lb)	\$0.378	\$0.378	\$0.378	\$0.378
CY	Molybdenum Price (Per lb)	\$0.000	\$0.000	\$0.000	\$0.000
CY	Palladium Price (Per oz)	\$321.000	\$321.000	\$321.000	\$321.000
CY	Platinum Price (Per oz)	\$500.000	\$500.000	\$500.000	\$500.000
CY	Nickel Price (Per lb)	\$2.025	\$2.025	\$2.025	\$2.025
CY	Rhodium Price (Per oz)	\$1,404.395	\$1,404.395	\$1,404.395	\$1,404.395
CY	Sapphire Price (Per oz)	\$0.000	\$0.000	\$0.000	\$0.000
CY	Iron Oxide Price (Per lb)	\$0.000	\$0.000	\$0.000	\$0.000
CY	Copper Sulfide Price (Per lb)	\$0.000	\$0.000	\$0.000	\$0.000
FY	Effective Tax Rate (Percent)	1.61%	1.61%	1.61%	1.61%
Public Contractor's Tax					
FY	Tax Before Credits (Millions)	\$5.055	\$5.282	\$5.995	\$6.037
FY	Credits and Refunds (Millions)	\$1.788	\$2.603	\$2.640	\$2.681
Wholesale Energy Tax					
CY	Kilowatt Hours (Millions)	22,987.512	23,398.127	23,794.854	24,218.358
FY	Kilowatt Hours (Millions)	22,775.158	22,489.410	22,880.160	23,278.167
FY	Credits for Taxes Paid (Million)	\$0.000	\$0.000	\$0.000	\$0.000
Beer Tax					
FY	Beer Barrels (Million)	0.881	0.924	0.968	1.014
FY	Tribal Distribution (Million)	(\$0.035)	(\$0.037)	(\$0.039)	(\$0.041)
FY	Effective Tax Rate (Percent)	4.17%	4.17%	4.17%	4.17%
Driver's License Fees					
FY	Driver's License Fees (Millions)	\$1.979	\$1.633	\$1.649	\$1.665
FY	Duplicate License Fees (Millions)	\$0.095	\$0.079	\$0.079	\$0.080
FY	Motorcycle Endorsement Fees (Millions)	\$0.015	\$0.130	\$0.131	\$0.132
FY	Interstate Commercial Vehicle Endorsement (Millions)	\$0.420	\$0.420	\$0.420	\$0.420
FY	Intrastate Commercial Vehicle Endorsement (Millions)	\$0.093	\$0.093	\$0.093	\$0.093
Tobacco Tax					
FY	Value of Tobacco Products (Millions)	\$17.828	\$18.473	\$19.218	\$19.963
FY	Tribal Distribution (Millions)	(\$0.046)	(\$0.047)	(\$0.049)	(\$0.051)

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MONTANA SESSION LAWS 2003

HJR 2

Railroad Car Tax

CY	Total MT Market Value of Fleets (Millions)	\$89.657	\$93.550	\$95.585	\$97.160
CY	Taxable Value Rate (Percent)	4.21%	4.02%	4.00%	3.92%
CY	95% of Industrial and Commercial Mill Levy	400.980	419.250	441.320	441.320

Wine Tax

FY	Wine Liters (Million)	6.725	6.905	7.007	7.109
FY	Tribal Distribution (Million)	(\$0.021)	(\$0.022)	(\$0.022)	(\$0.022)

SELECTED NONGENERAL FUND REVENUE

The projections for selected nongeneral fund revenue during the 2005 biennium are based on the assumption of a continuation of Montana law as it existed on January 1, 2003. The revenue estimates contained in the following table are based on the assumptions listed in the tables that follow the nongeneral fund estimates and the assumptions for each nongeneral fund revenue source contained in the "Revenue Estimates as Adopted by the Revenue and Transportation Interim Committee" report prepared by the Legislative Fiscal Division.

Current Law
Selected Nongeneral Fund Revenue Estimates
(In Millions of Dollars)

Source of Revenue	Actual FY 2002	Estimated FY 2003	Estimated FY 2004	Estimated FY 2005
Gasoline Tax	\$128.001	\$128.696	\$129.415	\$130.128
Diesel Tax	56.094	56.951	57.821	58.703
Common School Interest and Income	1.938	51.175	49.745	49.631
GVW and Other Fees	27.266	27.037	26.729	26.377
Federal Forest Receipts	13.475	13.583	13.775	13.976
Lodging Facility Use Tax	11.901	12.441	13.005	13.595
6-Mill Property Tax	11.806	11.627	12.120	12.685
PPL-Montana 6-Mill Protested Property Tax Payments	0	(0.131)	(0.133)	(0.136)
Resource Indemnity Trust Interest	7.321	7.376	7.377	7.379
Treasure State Endowment Trust Interest	6.805	7.201	7.871	8.472
Gasoline Storage Tank Tax	3.729	3.750	3.770	3.790
Resource Indemnity Trust Tax	2.201	1.080	1.055	1.062
Diesel Storage Tank Tax	2.166	2.229	2.220	2.200
Parks Trust Interest Earnings	1.106	1.114	1.127	1.153
Capital Land Grant Interest and Income	1.101	0.827	0.822	0.613
Tobacco Trust Interest Earnings	0.968	1.741	2.464	3.253
Regional Water Trust Interest Earnings	0.643	1.151	1.404	1.670
Pine Hills Interest and Income	0.355	0.348	0.358	0.363
Arts Trust Interest Earnings	0.305	0.314	0.322	0.337
9-Mill Property Tax	0.286	0.000	0.000	0.000
Deaf and Blind Trust Interest and Income	0.284	0.292	0.295	0.298
Total Nongeneral Fund	277.752	328.802	331.562	335.549

SELECTED ASSUMPTIONS FOR
NONGENERAL FUND REVENUE ESTIMATES
Revenue and Transportation Interim Committee

Year	Assumption	2002	2003	2004	2005
Gasoline Tax					
FY	Taxable Gallons of Gasoline (Millions)	504.614	507.328	510.057	512.800
FY	Taxable Gallons of Gasoline— Storage Tank Cleanup (Millions)	497.261	499.936	502.624	505.328
FY	Refunds (Millions)	(\$3.153)	(\$3.170)	(\$3.187)	(\$3.204)
FY	Tribal Distribution (Millions)	(\$3.729)	(\$3.743)	(\$3.736)	(\$3.740)
FY	Alcohol Incentive (Millions)	\$0.000	\$0.000	\$0.000	\$0.000
Diesel Tax					
FY	Taxable Gallons of Diesel (Millions)	218.597	221.936	225.325	228.766
FY	Taxable Gallons of Diesel— Storage Tank Cleanup (Millions)	288.854	297.210	296.035	293.265
FY	Refunds (Millions)	(\$3.960)	(\$4.020)	(\$4.082)	(\$4.144)
GVW Fees					
FY	GVW Fees (Millions)	\$8.814	\$8.868	\$8.922	\$8.977
FY	Form 3 GVW Fees (Millions)	\$0.860	\$0.843	\$0.847	\$0.844
FY	Trip Permit Fees (Millions)	\$0.441	\$0.441	\$0.441	\$0.441
FY	County GVW Fees (Millions)	\$8.933	\$8.135	\$8.185	\$8.235
FY	New Car Sales Tax (Millions)	(\$0.640)	\$0.000	\$0.000	\$0.000
FY	Overweight Trip Permit Fees (Millions)	\$1.845	\$1.954	\$2.067	\$2.172
FY	Special Permit Fees (Millions)	\$0.903	\$0.910	\$0.923	\$0.932
FY	Temporary Fuel Permits (Millions)	\$0.108	\$0.111	\$0.111	\$0.111
FY	Other Fees (Millions)	\$0.401	\$0.401	\$0.401	\$0.401
Other 6-Mill Levy Indicators (See General Fund Property Tax Assumptions for Other Detail)					
FY	Taxable Value (Millions)	\$1,698.239	\$1,718.019	\$1,791.346	\$1,889.363
FY	Nonlevy Revenue (Millions)	\$1.579	\$1.319	\$1.393	\$1.370
FY	6-Mill Adjustments (Millions)	\$0.000	\$0.000	\$0.000	\$0.000

Adopted April 23, 2003

HOUSE JOINT RESOLUTION NO. 3

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM COMMITTEE STUDY TO EXAMINE CHILD ABUSE AND NEGLECT PROCEEDINGS IN ORDER TO DETERMINE HOW TO PROVIDE REPRESENTATION FOR INDIGENT FAMILIES AND TO DETERMINE THE APPROPRIATE EARLIEST OPPORTUNITY.

WHEREAS, the Montana Family Policy Act states in section 41-7-102, MCA, that it is the policy of the State of Montana to support and preserve the family as the single most powerful influence for ensuring the healthy social development and mental and physical well-being of Montana's children; and

WHEREAS, in child protective services, it is also the policy of the State of Montana set out in section 41-3-101, MCA, to ensure that all youth are afforded an adequate physical and emotional environment to promote normal

development, to compel in proper cases the parent or guardian to perform the parent's or guardian's moral and legal obligations, to achieve these purposes in a family environment and to preserve the unity and welfare of the family whenever possible, to ensure that there is no forced removal of a child from a family based on unsubstantiated allegations, to provide for protection of children, and to require the interview of parents and an opportunity for parents to appear before a judge and have statements presented before a decision is rendered; and

WHEREAS, there is no statutory obligation to appoint legal counsel for indigent parents prior to a permanent custody proceeding, including termination of parental rights, but the Montana Supreme Court has also stated that "there are also no guidelines precluding or making inappropriate the appointment of counsel for indigent parents in child protective proceedings prior to termination proceedings" (In re A.F.-C., 2001 MT 283, 307 Mont. 358, 37 P.3d 724 (2001)); and

WHEREAS, there are significant due process, philosophical, and resource issues involved in the determination of at what point parents require counsel in proceedings involving child protection and potential termination of parental rights; and

WHEREAS, the Legislative Audit Division recently conducted a performance audit of child protective services and, although it did not make a specific recommendation in this area, found that there is statewide variation in whether indigent parents receive legal representation in child abuse and neglect proceedings prior to termination of parental rights (October 2002 report, page 53); and

WHEREAS, the Children, Families, Health, and Human Services Interim Committee recognizes these issues as worthy of study to determine whether legal counsel or other forms of advocacy or representation, such as family advocates or ombudsmen, should be appointed earlier in child protective services proceedings in order to provide guidance through a difficult process and to protect parents' rights.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to examine child abuse and neglect proceedings in order to determine how to best provide representation to families at an appropriate time in the child protective services proceedings to further the goals of balancing the best interests of the child, the rights of parents, and the possibility of reunification of the family and to provide prevention and early intervention strategies as early in the process as possible.

BE IT FURTHER RESOLVED, that the Legislature recognizes that the issue of representation of families in child abuse and neglect proceedings may also be relevant to other court proceedings that involve the intervention of one or more public agencies or require public services for children and families, such as Youth Court and civil mental health commitment proceedings.

BE IT FURTHER RESOLVED, that, if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2004.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 59th Legislature.

Adopted March 12, 2003

HOUSE JOINT RESOLUTION NO. 4

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO INVESTIGATE OPTIONS FOR IMPROVING THE SUPPLY AND DISTRIBUTION OF WATER IN MONTANA AND TO EVALUATE THE WATER STORAGE POLICY ESTABLISHED IN SECTION 85-1-703, MCA; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 59TH LEGISLATURE AND THE MONTANA CONGRESSIONAL DELEGATION.

WHEREAS, section 85-1-101, MCA, establishes the state's policies for water resources; and

WHEREAS, section 85-1-101(2), MCA, provides "The public policy of the state is to promote the conservation, development, and beneficial use of the state's water resources to secure maximum economic and social prosperity for its citizens"; and

WHEREAS, section 85-1-101(6), MCA, states "The public interest requires the construction, operation, and maintenance of a system of works for the conservation, development, storage, distribution, and utilization of water, which construction, operation, and maintenance is a single object and is in all respects for the welfare and benefit of the people of the state"; and

WHEREAS, Montana has experienced severe drought and significant floods; and

WHEREAS, the state has an opportunity and a responsibility to take proactive measures to mitigate the impacts of drought and floods by storing surplus water and promoting efficiency; and

WHEREAS, section 85-2-105, MCA, requires the Environmental Quality Council to advise the Legislature on the adequacy of the state's water policy.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

- (1) evaluate the efficiency of water distribution systems;
- (2) evaluate measures that promote the efficient use of water;
- (3) evaluate return flow impacts;
- (4) study water banking as a means to alleviate water shortages;
- (5) investigate options for improving the supply and distribution of water in Montana, including the development of offstream storage facilities;

(6) evaluate the water storage policy established in section 85-1-703, MCA; and

(7) evaluate the effects of excessive fuel levels on federal and state timbered lands to determine the impacts of the use of available water by timber versus the amount of water release by a watershed into Montana watercourses.

BE IT FURTHER RESOLVED, that the study be conducted with the participation and involvement of investors and developers and persons interested in or affected by water management, including landowners, conservation districts, the Department of Natural Resources and Conservation, the Department of Fish, Wildlife, and Parks, industries, utilities, recreational water users, agricultural water users, and others.

BE IT FURTHER RESOLVED, that the study consider ways to encourage participation by the private sector, tribal governments, and the federal government in improving the supply and distribution of water in Montana.

BE IT FURTHER RESOLVED, that, if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2004.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 59th Legislature and the Montana Congressional Delegation.

Adopted April 11, 2003

HOUSE JOINT RESOLUTION NO. 5

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING LEWIS AND CLARK COUNTY TO WORK COOPERATIVELY WITH THE BOARD OF REGENTS TO SECURE FINANCING FOR A NEW BUILDING AT THE HELENA COLLEGE OF TECHNOLOGY OF THE UNIVERSITY OF MONTANA BY ISSUING BONDS TO FINANCE THE CONSTRUCTION OF THE PROJECT AND TO ENTER INTO AN AGREEMENT TO LEASE THE FACILITY, UPON COMPLETION, TO THE BOARD OF REGENTS UNTIL THE BONDS ARE RETIRED.

WHEREAS, pursuant to Article X, section 9(2), of the Montana Constitution, the Board of Regents has full power, responsibility, and authority to supervise, coordinate, manage, and control the Montana University System and the authority to supervise and coordinate other public educational institutions as assigned by law; and

WHEREAS, in 1995 the Board of Regents restructured the University System by incorporating the vocational-technical centers and the 1995 Legislature enacted Chapter 308, Laws of 1995 (Senate Bill No. 156), to statutorily assign the vocational-technical centers to the Board to supervise and coordinate; and

WHEREAS, the Board of Regents has sufficient authority to use private money to construct buildings and to enter into contractual arrangements with

self-governing local governments to work together on mutually beneficial projects; and

WHEREAS, since the Helena College of Technology of the University of Montana is located in Helena and supports the economy of the local region, Lewis and Clark County has a vested interest in working with the Board of Regents to secure a new building for the college.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That Lewis and Clark County be strongly urged to work cooperatively with the Board of Regents to secure financing for a new building at the Helena College of Technology of the University of Montana by issuing bonds to finance the construction of the project and to enter into an agreement to lease the facility, upon completion, to the Board of Regents until the bonds are retired.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Board of County Commissioners of Lewis and Clark County, to the Board of Regents, and to the Dean of the Helena College of Technology of the University of Montana.

Adopted March 22, 2003

HOUSE JOINT RESOLUTION NO. 6

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE UNITED STATES CONGRESS AND PRESIDENT GEORGE W. BUSH TO INCREASE FUNDING FOR SPECIAL EDUCATION TO MEET THE FEDERAL COMMITMENT UNDER THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT.

WHEREAS, special education programs serving students with disabilities provide essential services to children and their families; and

WHEREAS, state and local educational agencies are mandated by federal law to provide a free appropriate public education for children with disabilities; and

WHEREAS, costs associated with serving children with disabilities continue to rise, and meeting those substantial costs requires a strong partnership between local, state, and federal governments; and

WHEREAS, underfunding of special education programs affects the quality of services provided to children with disabilities and results in local school districts redirecting resources that could otherwise be used for all children; and

WHEREAS, the federal commitment to states and localities under the federal Individuals With Disabilities Education Act to contribute 40% of the excess costs of providing a free appropriate public education has never been fulfilled; and

WHEREAS, despite recent large increases in federal special education funding, the federal share, currently at approximately 17%, is still less than one-half of the original commitment made by Congress to the states and localities.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislature of the State of Montana urge the United States Congress and President George W. Bush to increase funding for special education so that the federal promise of providing states with 40% of the national average per-pupil expenditure required to serve children and youth with disabilities can be achieved.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to President George W. Bush, the members of the Montana Congressional Delegation, the Board of Public Education, and the Superintendent of Public Instruction.

Adopted February 19, 2003

HOUSE JOINT RESOLUTION NO. 8

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE LEGISLATIVE COUNCIL TO DESIGNATE AN APPROPRIATE INTERIM COMMITTEE TO GATHER INFORMATION RELATING TO THE DROPOUT RATES, GRADUATION RATES, AND AT-RISK FACTORS AMONG AMERICAN INDIAN STUDENTS IN MONTANA'S PUBLIC SCHOOLS AND TO DEVELOP A STRATEGIC STATE PLAN TO REDUCE THE DROPOUT RATE AMONG ALL STUDENTS; AND REQUIRING A REPORT OF THE FINDINGS OF THE STUDY AND RECOMMENDATIONS TO THE 59TH LEGISLATURE.

WHEREAS, according to a 2001 report entitled "Equal Educational Opportunity for Native American Students in Montana Public Schools" by the Montana Advisory Committee to the United States Commission on Civil Rights, Montana's American Indians drop out of public schools at an average rate of 10.4%, which is more than twice the dropout rate of 4.2% for all Montana students; and

WHEREAS, the school completion rate for American Indian students is only 56.1%, far below the 81.8% for all Montana students; and

WHEREAS, Montana's American Indian students drop out of high school at a rate more than 3 times that of non-Indian students and drop out of grades 7 and 8 at a rate 12 times that of non-Indian students; and

WHEREAS, according to data published by the Office of Public Instruction, the high school graduation rate for American Indian students dropped 12% between 1995 and 1999; and

WHEREAS, when compared to the 9th grade enrollment figures for American Indian students, the 55% high school graduation rate of American Indian students in Montana is alarmingly low; and

WHEREAS, according to the Digest of Education Statistics, three of the four Montana counties with the highest unemployment rates, which are double and triple the national average, are located on Indian reservations; and

WHEREAS, the consequences of dropping out of school are lifelong and life-altering for the individual, result in significant reductions in state per-ANB funding to local school districts, and threaten the vitality of the state's economy and the stability of society; and

WHEREAS, although the State of Montana has made numerous pronouncements and attempts to institute educational reforms concerning

Indian education since acknowledgment and recognition in Article X, section 1, of the Montana Constitution of the contribution of Montana's American Indians and the commitment of the state to preserve their cultural heritage through education, the United States Commission on Civil Rights found that the disparities in education, including dropout rates that are double those of non-Indian students, low achievement levels and test scores, and few high school graduates with little advancement to higher education, provided evidence that Indian children in Montana public schools are in a crisis situation.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, to work in collaboration with the Board of Public Education, the Board of Regents, the Office of Public Instruction, local school districts, tribal education departments, and educational organizations throughout the state to:

(1) gather information relating to the dropout rates, graduation rates, and at-risk factors, including but not limited to age, the number of individuals with disabilities, opportunities for other educational choices, credit deficiencies, drug and alcohol use, teen pregnancy, attendance, and suspension and expulsion, among American Indian students in Montana's public schools;

(2) hold public hearings throughout the state in school districts located on reservations and in urban areas to seek recommendations to address the dropout rate and at-risk factors;

(3) develop a fiscal impact statement for those schools from which students drop out;

(4) collaborate with the Office of Public Instruction American Indian Education Office and the Montana Advisory Council on Indian Education that are currently working through a United States Department of Education Dropout Prevention program with six Montana public school districts located on Indian reservations and that will be coordinating a plan for dropout prevention;

(5) collaborate on this study with Montana's Interagency Coordinating Council, which has dropout prevention as one of its major goals; and

(6) produce a comprehensive, research-based, strategic state plan to break the cycle of at-risk factors and significantly reduce the dropout rate, while increasing the graduation rate among Montana's American Indian students.

BE IT FURTHER RESOLVED, that the appropriate committee report its findings, conclusions, and recommendations to the 59th Legislature.

BE IT FURTHER RESOLVED, that a copy of the resolution and any committee report be sent to each tribal government located on the seven Montana reservations and to the Little Shell Band of Chippewa.

Adopted April 11, 2003

HOUSE JOINT RESOLUTION NO. 9

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT CONGRESS INVESTIGATE WAYS OF DEALING WITH THE COST OF MEDICATIONS IN ORDER TO MAKE THEM AFFORDABLE.

WHEREAS, the price of prescription medicine has risen dramatically in recent years; and

WHEREAS, many senior citizens cannot afford to pay for drugs and still afford the necessities of life, such as food and shelter; and

WHEREAS, the Montana Legacy Legislature has made this resolution its number one priority.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That Congress investigate the cost of medications in order to find ways to make the cost affordable.

(2) That copies of this resolution be sent by the Secretary of State to the Montana Congressional Delegation.

Adopted March 18, 2003

HOUSE JOINT RESOLUTION NO. 10

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE BOARD OF PUBLIC EDUCATION TO INTEGRATE THE PRINCIPLES OF BASIC PERSONAL FINANCE INTO THE CONTENT AND PERFORMANCE STANDARDS ESTABLISHED FOR MONTANA'S PUBLIC SCHOOLS AND URGING THE BOARDS OF TRUSTEES OF MONTANA'S SCHOOL DISTRICTS TO IMPLEMENT THE STANDARDS INTO THE CURRICULA.

WHEREAS, basic personal financial management, including the principles of saving, spending, credit, investment, taxes, and insurance, is an essential life skill necessary to the well-being of all Montanans; and

WHEREAS, an October 2002 white paper by the United States Department of the Treasury's Office of Financial Education states that the average American was able to answer only 42% of the questions on a personal financial quiz correctly, that 4 out of 10 Americans admitted that they are living beyond their means because of their misuse and misunderstanding of credit, and that personal bankruptcy filings more than doubled between 1990 and 2000; and

WHEREAS, the 2002 third biennial survey of financial literacy by the Jump\$tart Coalition for Personal Financial Literacy found 68.1% of high school seniors with failing scores, representing an increase from the 59.1% failing in 2000 and the 44.2% failing in 1998; and

WHEREAS, according to the Department of Treasury's white paper, it is estimated that America's youth spend approximately \$150 billion annually, while the survey of financial literacy found that almost one-third of high school seniors already use a credit card and an even higher percentage carry automatic teller machine (ATM) cards; and

WHEREAS, like other complex and dangerous social phenomenon confronting today's youth, personal finance presents more difficult choices and pitfalls than experienced by previous generations, yet public education in this critical life skill has not increased to meet the challenge; and

WHEREAS, a high school financial education course, including an instructor's manual, student workbook, and supplemental materials, has been developed by the National Endowment for Financial Education, the Cooperative

Extension System, and the Credit Union National Association and is available at no cost to schools; and

WHEREAS, experience has shown that students will respond to well-executed life skills programs that have direct practical application to their daily lives; and

WHEREAS, the personal financial responsibility and well-being of the emerging generation will be essential to the overall health and well-being of Montana's future economic and social condition; and

WHEREAS, the Legislature recognizes that Article X, section 9, subsection (3), of the Montana Constitution provides the Board of Public Education with general supervision over the public school system, which includes the authority to adopt the accreditation standards for public schools; and

WHEREAS, the Legislature recognizes that under Article X, section 8, of the Montana Constitution the local boards of trustees play a critical role in implementing the accreditation standards adopted by the Board of Public Education.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Board of Public Education be strongly urged to integrate the principles of basic personal finance into the content and performance standards established for Montana's public schools.

BE IT FURTHER RESOLVED, that the boards of trustees of Montana's school districts, in recognition of the importance of preparing the state's youth with critical life skills education, be strongly urged to fully implement the content and performance standards adopted by the Board of Public Education.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Board of Public Education, the Office of Public Instruction, the Montana School Boards Association, the Montana Rural Education Association, the School Administrators of Montana, and the MEA-MFT.

Adopted March 24, 2003

HOUSE JOINT RESOLUTION NO. 11

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING GOVERNOR JUDY MARTZ TO WRITE A LETTER TO THE MONTANA CONGRESSIONAL DELEGATION URGING SUPPORT FOR A FEDERAL INCREASE IN IMPACT AID FUNDING.

WHEREAS, many school districts across the United States include within their boundaries land owned by the federal government or land removed from the local tax base by the federal government; and

WHEREAS, these school districts must provide a quality education to their students with less local revenue than is available to other school districts because federal property is exempt from local property taxes; and

WHEREAS, since 1950, Congress, through the federal Impact Aid Program, has provided financial assistance to these local school districts that have lost property tax revenue because of the presence of tax-exempt federal property; and

WHEREAS, 75 Montana school districts receive over \$38 million annually from the United States Department of Education under the federal Impact Aid Program; and

WHEREAS, Congress is currently considering an increase in funding for impact aid schools of no more than 5%; and

WHEREAS, the National Association of Federally Impacted Schools is asking for a 7.5% increase; and

WHEREAS, impact aid schools in Montana will benefit greatly from the 7.5% increase in funding.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Montana Legislature request Governor Judy Martz to write a letter to the members of the Montana Congressional Delegation urging their support for a 7.5% increase in impact aid funding.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to each tribal government located on the seven Montana reservations and to the Little Shell Band of Chippewa.

Adopted March 24, 2003

HOUSE JOINT RESOLUTION NO. 12

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA EXPRESSING A RECOGNITION BY THE PEOPLE OF MONTANA THAT INDIVIDUAL CITIZENS OF THE UNITED STATES, ACTING TOGETHER WITH LAW ENFORCEMENT AGENCIES AND EMERGENCY PERSONNEL AND IN SUPPORT OF OUR MILITARY FORCES, ARE THE SOLE EFFECTIVE MEANS OF THWARTING TERRORISM IN THESE UNITED STATES; ASSERTING THAT FREEDOM OF INDIVIDUALS WILL NOT BE PRESERVED BY THE TRANSFER OF POWER FROM INDIVIDUALS TO GOVERNMENT IN THE NAME OF FIGHTING TERRORISM; AND ENCOURAGING CONGRESS TO PASS AN ACT THAT SUPPORTS AND AUTHORIZES INDIVIDUALS TO INTERDICT TERRORISM WHEREVER IT MAY OCCUR ON THE SOIL OF THE UNITED STATES, RECOGNIZES THE IMPORTANCE OF INDIVIDUALS HAVING TOOLS TO FIGHT TERRORISM, REMOVES CIVIL AND CRIMINAL LIABILITY FOR ACTIONS TAKEN TO INTERDICT TERRORISM, AND CREATES A REWARD FOR INDIVIDUALS WHO PLAY AN EFFECTIVE PART IN PREVENTING TERRORISM AGAINST THE PEOPLE OF THE UNITED STATES.

WHEREAS, the people of these United States have a long and rich history and tradition of nongovernmental and individual action in preventing offenses against the people, business interests, and political structures of our country; and

WHEREAS, our dedicated military personnel, law enforcement agencies, firefighters, and emergency medical personnel require the full support of individual citizens in order to be fully effective; and

WHEREAS, President George W. Bush has stated that effective prevention of terrorist acts depends on the alertness and individual action of all citizens of these United States; and

WHEREAS, of all the tragedies planned by terrorists for the event now known as 9-11, the only one of those terrorists acts effectively opposed and prevented was opposed and prevented by brave individual citizens acting intelligently, spontaneously, and without government sanction or direction; and

WHEREAS, it is the history of our tradition and system of self-government that government trusts individual citizens to act appropriately and make wise individual decisions absent the constraining hand of government; and

WHEREAS, no amount of police and security forces will ever suffice to interdict all terrorist acts without the active support of a watchful, vigilant, and free citizenry; and

WHEREAS, the only people who have a high likelihood of being present at the time and the location of an intended terrorist act are the citizens of these United States.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That Congress be urged to pass a law named "The Terrorist-Free America Act" in recognition of the nation's rich and proper history of self-reliance and the importance of applying that philosophy of self-reliance to help defend these United States against terrorist acts. The act by Congress is recommended to contain the following features:

(1) The people of these United States are exhorted to participate individually in the war on terrorism.

(2) The participation of individual people in interdicting acts of terrorism should be both passive, such as being observant, and active, such as individual acts of contention and interdiction against any terrorists attempting to commit a terrorist act.

(3) Individual people participating in the prevention of acts of terrorism must not be prevented from having at hand the tools necessary for such prevention, especially firearms, by the federal government, any state or local government, or any subdivision of these governments.

(4) Individual people assisting in prevention of terrorist acts must be exempted from criminal and civil liability arising out of such preventative acts, according to established and standard doctrine for allowable uses of lethal force.

(5) Medals and citations of award should be created to honor and reward individuals who materially serve their country by preventing any act of terrorism on United States soil.

Adopted April 4, 2003

HOUSE JOINT RESOLUTION NO. 13

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES CONDUCT A STUDY REGARDING THE HEALTH PROGRAMS ADMINISTERED BY THE DEPARTMENT AND PROVIDE A REPORT TO THE 59TH LEGISLATURE, OUTLINING OPTIONS THAT MAY BE UNDERTAKEN TO REDESIGN THE HEALTH PROGRAMS ADMINISTERED BY THE DEPARTMENT.

WHEREAS, rising health care costs, expanded use of services, and increased enrollment in the Montana Medicaid program, the Mental Health Services Plan, the state Children's Health Insurance Program, and other health programs administered by the Department of Public Health and Human Services have resulted in escalating costs to the State of Montana; and

WHEREAS, expenditures in the Montana Medicaid program for the 2002-03 biennium are projected to be \$1,071,000,000, which includes \$267 million in general fund money and \$804 million in federal funds; and

WHEREAS, expenditures in the Mental Health Services Plan for the 2002-03 biennium are projected to be \$20,507,133 in state general fund money; and

WHEREAS, expenditures in the state Children's Health Insurance Program for the 2002-03 biennium are projected to be \$28,967,574, which includes \$5,472,768 in state general fund money, \$882 in state special revenue funds, and \$23,493,934 in federal special revenue funds; and

WHEREAS, expenditures in the Montana Medicaid program, the Mental Health Services Plan, and the state Children's Health Insurance Program constitute a significant portion of the state general fund; and

WHEREAS, federal regulations limit the discretion that states have in the administration of the Medicaid program; and

WHEREAS, federal regulations mandate that certain health care services be provided and that certain groups be automatically eligible for Medicaid; and

WHEREAS, federal regulations do permit the Secretary of the U.S. Department of Health and Human Services to grant waivers of certain federal requirements; and

WHEREAS, federal regulations and the Centers for Medicare and Medicaid Services require three formal consultations with tribal governments regarding any major changes within the existing Medicaid program and related programs; and

WHEREAS, the State of Montana recognizes the seven federally recognized Indian tribes in Montana, and the Legislature directs the Department of Public Health and Human Services to recognize and include the seven federally recognized tribal governments in Montana within all aspects of a Department study; and

WHEREAS, upon participation of the seven federally recognized Indian tribes in Montana, the Legislature directs the Department of Public Health and Human Services to include the seven tribal governments in any aspect of the study and include the recommendations and participation in the report to the Legislature; and

WHEREAS, it is essential that the Legislature as a whole be informed about the alternative approaches that may be undertaken and that the Legislature set the policy regarding the design of the Montana Medicaid program, the Mental Health Services Plan, the state Children's Health Insurance Program, and other health programs administered by the Department of Public Health and Human Services.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Department of Public Health and Human Services direct sufficient staff services to undertake a study that will examine the various options available for redesigning the Montana Medicaid program, the Mental Health Services Plan, the state Children's Health Insurance Program, and other health programs administered by the Department.

BE IT FURTHER RESOLVED, that the Department of Public Health and Human Services report on a regular basis to the Children, Families, Health, and Human Services Interim Committee and to the Legislative Finance Committee regarding the progress of the study.

BE IT FURTHER RESOLVED, that the Department of Public Health and Human Services prepare a report to the 59th Legislature, as provided in section 5-11-210, MCA, detailing various options available for the redesign of the Montana Medicaid program, the Mental Health Services Plan, the state Children's Health Insurance Program, and other health programs administered by the Department. This report should include the costs, both economic and social, associated with various options for redesign of these programs and a cost analysis for urban Indian health clinics and tribal-based health clinics.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to each tribal government located on the seven Montana reservations and to the Little Shell Band of Chippewa.

Adopted March 13, 2003

HOUSE JOINT RESOLUTION NO. 15

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE U.S. SECRETARY OF AGRICULTURE AND THE U.S. SECRETARY OF THE INTERIOR TO DIRECT THE APPROPRIATE FEDERAL AGENCIES TO EXPEDITE THE ELIMINATION OF BRUCELLOSIS IN THE YELLOWSTONE NATIONAL PARK BISON AND ELK HERDS.

WHEREAS, an essential element of proper wildlife management is the maintenance of healthy animal populations; and

WHEREAS, the disease brucellosis (*Brucella abortus*) has been known to be present in the Yellowstone National Park bison herd for 86 years; and

WHEREAS, the bison population of Yellowstone National Park is now in excess of 4,000 bison; and

WHEREAS, in the 1999-2000 final environmental impact statement of the interagency bison management plan for the State of Montana and Yellowstone National Park, one of the objectives was to commit to the eventual elimination of brucellosis in bison and other wildlife; and

WHEREAS, the State of Montana, the U.S. Department of Agriculture, and the U.S. Department of the Interior agreed in a 1995 memorandum of understanding that an objective was to plan for the elimination of brucellosis from the greater Yellowstone area by the year 2010; and

WHEREAS, a cattle herd in Idaho has been infected with brucellosis by elk from Yellowstone National Park; and

WHEREAS, Yellowstone National Park bison that have been infected with or exposed to brucellosis and elk that may have been infected with or exposed to

brucellosis frequently make nomadic or migratory movements into Montana, threatening the health of Montana citizens as well as the state's livestock industry and brucellosis class-free status; and

WHEREAS, for years, Montana has been forced to react to the nomadic movements of bison from Yellowstone National Park into Montana with drastic and costly measures, including hazing, capturing, and lethally removing bison, to protect the health and welfare of Montana citizens and the livestock industry; and

WHEREAS, elimination of brucellosis in the Yellowstone National Park bison and elk herds would mitigate a public health and livestock concern and reduce ongoing state expenses related to the nomadic movement of bison from Yellowstone National Park; and

WHEREAS, although an effective brucellosis vaccine exists for domestic cattle, a similar vaccine or vaccines should be developed, tested, and implemented in the Yellowstone National Park wild bison and elk herds as soon as possible; and

WHEREAS, alternative brucellosis elimination strategies, in addition to or preceding brucellosis vaccination, such as but not limited to habitat improvement and population management within Yellowstone National Park, should also be expeditiously implemented if shown to facilitate or to be effective for eliminating brucellosis in bison or elk.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the U.S. Secretary of Agriculture and the U.S. Secretary of the Interior be urged to direct the U.S. Department of Agriculture's Animal and Plant Health Inspection Service Veterinary Services Office, the National Park Service, and any other affected federal agencies to undertake the expeditious elimination of brucellosis in the Yellowstone National Park bison and elk herds by developing and implementing a brucellosis elimination program.

BE IT FURTHER RESOLVED, that copies of this resolution be sent by the Secretary of State to the members of the Montana Congressional Delegation, the President of the United States, the U.S. Secretary of Agriculture, the U.S. Secretary of the Interior, and the Director of the National Park Service.

Adopted March 17, 2003

HOUSE JOINT RESOLUTION NO. 16

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING PRESIDENT GEORGE W. BUSH AND THE UNITED STATES CONGRESS TO EXTEND THE EXISTING FEDERAL TAX WIND POWER CREDIT.

WHEREAS, electricity generated from the innate power of wind produces no negative impacts on air quality or water quality; and

WHEREAS, Montana ranks fifth in the nation among states known to have the best natural wind power potential, yet Montana does not have any commercially generated wind power; and

WHEREAS, the Legislature believes that in-state wind-generated electricity would benefit Montana consumers, the economy, and economic development; and

WHEREAS, the Legislature has adopted policies calling for electricity generation alternatives, including wind-generated electricity, to be part of the mix of power sources available to meet Montana's future electricity needs; and

WHEREAS, tax credits and other federal incentives have played a vital role in encouraging the development of both traditional energy resources, such as oil and gas, and newer energy sources, such as ethanol and wind; and

WHEREAS, the existing federal tax credit has been successfully encouraging the steady improvement of wind generation technologies and has made it possible to produce wind-generated electricity at a favorable price; and

WHEREAS, the existing federal tax credit will expire at the end of 2003 and it now may be too late for a wind generation facility to be constructed in Montana and be operating in time to qualify for the existing federal tax credit; and

WHEREAS, the effectiveness and timeliness of Montana's efforts to begin developing its wind generation potential, both for its economic development value and to help meet the state's future energy needs, will benefit greatly from having continuity in incentives and policies affecting the economics and practicality of wind power; and

WHEREAS, the United States Congress should expeditiously extend the existing federal tax credit so that prospective planning and development of future wind generation projects will continue without the interruption and delay that the pending expiration of the tax credit would allow.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Montana Legislature urges the President and the United States Congress to extend the existing federal tax credit that promotes research and development of America's wind power potential and to do so as soon as possible.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to President George W. Bush and the members of the Montana Congressional Delegation.

Adopted March 11, 2003

HOUSE JOINT RESOLUTION NO. 17

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA EXPRESSING CONCERN OVER THE IMPACT OF PROPOSED TRADE AGREEMENTS ON MONTANA'S AGRICULTURAL INDUSTRY AND STRONGLY URGING UNITED STATES OFFICIALS TO CONSIDER THE IMPACTS ON THAT INDUSTRY IN NEGOTIATING THESE TRADE AGREEMENTS.

WHEREAS, agriculture has long been the cornerstone of Montana's economy and maintaining the viability of that industry is vital to our economic growth; and

WHEREAS, the vast majority of the world's population lives outside the United States and the ability to export Montana agricultural products is critical to continued viability and growth of Montana's agricultural industry; and

WHEREAS, the President has signed into law legislation that provides the President with trade promotion authority; and

WHEREAS, United States trade representative Robert Zoellick has notified Congress of the administration's intention to commence free trade agreement negotiations with Australia; and

WHEREAS, past trade agreements, such as the North American Free Trade Agreement (NAFTA), have not always resulted in fair and free trade opportunities for agriculture; and

WHEREAS, a multilateral agreement is much more likely to result in improved trade conditions for United States agricultural producers than would a bilateral agreement that would fracture and weaken agriculture's support for trade.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That United States trade representatives be strongly urged to seek additional opportunities for multilateral agreements that will expand agricultural export opportunities.

(2) That if United States trade representatives choose to proceed with a bilateral agreement with Australia or any other country the following provisions be adopted as part of any bilateral agreement:

(a) United States farm programs may not be unilaterally reduced or phased out;

(b) United States agricultural tariffs may not be further reduced unless the other country reduces its tariffs to United States levels;

(c) market access must be reciprocal;

(d) nontariff barriers must be eliminated;

(e) export subsidies must be eliminated or harmonized; and

(f) health requirements for imports must be strictly adhered to and utmost caution must be used to protect the U.S. cattle industry from bovine spongiform encephalopathy (BSE), foot-and-mouth disease, bovine tuberculosis, and other highly transmissible diseases.

(3) That improvements be made in international trade disciplinary and dispute resolution procedures and the United States be committed to using available tools to protect agricultural interests.

(4) That copies of this resolution be sent by the Secretary of State to President George W. Bush and the Montana Congressional Delegation.

Adopted April 11, 2003

HOUSE JOINT RESOLUTION NO. 18

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING FEDERAL EMERGENCY DISASTER ASSISTANCE FOR CROP AND LIVESTOCK PRODUCERS WHO HAVE SUFFERED LOSSES DURING THE 2001 AND 2002 AGRICULTURAL PRODUCTION YEARS BECAUSE OF DROUGHT AND URGING AN EARLY DECISION ON THE RELEASE OF

CONSERVATION RESERVE PROGRAM ACREAGES FOR HAYING AND GRAZING PURPOSES.

WHEREAS, agriculture is Montana's number one industry and is vital to the state's economy; and

WHEREAS, Montana is in its fifth, and in some places sixth, year of drought; and

WHEREAS, excluding 2001 production, the 2002 crop year was the smallest on record since 1940; and

WHEREAS, Montana ranchers have decreased their herds of cattle by 100,000 head in 2002 due to drought; and

WHEREAS, prolonged drought yields poor pasture and range conditions for livestock and wildlife; and

WHEREAS, weather forecasters are predicting continued dry "El Nino" weather conditions for 2003; and

WHEREAS, other disasters, such as hurricanes, floods, and tornadoes, are typically designated as worthy of emergency spending.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the United States Congress is urged to pass emergency disaster assistance for Montana's farmers, ranchers, and rural communities.

(2) That disaster assistance should be all-inclusive and cover production losses for field crops, specialty crops, and livestock.

(3) That disaster assistance should be comprehensive and cover losses for both the 2001 and 2002 agricultural production years.

(4) That funding should be an emergency designation and thereby protect the 2002 Farm Bill and all its varied programs and priorities.

(5) That the United States Secretary of Agriculture is urged to make an early decision with regard to the use of conservation reserve program acreages for haying and grazing purposes.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the President of the United States, the Secretary of the United States Department of Agriculture, and the Montana Congressional Delegation.

Adopted March 8, 2003

HOUSE JOINT RESOLUTION NO. 19

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO REVIEW HEALTH COVERAGE AND PUBLIC ASSISTANCE PROGRAMS' ELIGIBILITY REQUIREMENTS TO STREAMLINE THE ENROLLMENT PROCESS.

WHEREAS, eligibility for health coverage for Montana children involves varied and complex financial and nonfinancial requirements for various programs, such as Medicaid, the state Children's Health Insurance Program, and the Mental Health Access Plan; and

WHEREAS, face-to-face interviews are not required for eligibility determination for all health coverage programs, including Medicaid and the state Children's Health Insurance Program, but are required for some public assistance programs; and

WHEREAS, there are technical system capabilities that exist that are able to store demographic data, that could prevent the need to repeatedly request information on applications, and that could allow for on-line applications, the coordination of eligibility for multiple programs, and multiple-site services; and

WHEREAS, innovative technical systems that have the above-stated capabilities are already developed by other states, using federal funds, and are available at low cost to other states; and

WHEREAS, federal regulations and the Centers for Medicare and Medicaid Services require three formal consultations with tribal governments regarding any major changes within the existing Medicaid and related programs; and

WHEREAS, the State of Montana recognizes the seven federally recognized Indian tribes in Montana, and the Legislature directs the Department of Public Health and Human Services to recognize and include the seven federally recognized tribal governments in Montana within all aspects of a Department study; and

WHEREAS, upon participation of the seven federally recognized tribes in Montana, the Legislature directs the Department of Public Health and Human Services to include the seven tribal governments in any aspect of the study and include the recommendations and participation in the report to the Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Department of Public Health and Human Services be requested to:

- (1) identify and examine all existing eligibility determination and information systems involving health coverage and public assistance;
- (2) identify the costs of acquiring and modifying existing systems to meet Montana's needs; and
- (3) explore and identify possible federal and other alternative funding sources.

BE IT FURTHER RESOLVED, that the Department of Public Health and Human Services report on a regular basis to the Children, Families, Health, and Human Services Interim Committee and to the Legislative Finance Committee regarding the progress of the study.

BE IT FURTHER RESOLVED, that the Department of Public Health and Human Services prepare a report to the 59th Legislature, as provided in section 5-11-210, MCA.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to each tribal government located on the seven Montana reservations and to the Little Shell Band of Chippewa.

Adopted March 17, 2003

HOUSE JOINT RESOLUTION NO. 20

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT THE LEGISLATIVE AUDIT COMMITTEE COMPLETE A SERIES OF LIMITED-SCOPE PERFORMANCE AUDITS OF THE OPERATIONS OF PROFESSIONAL LICENSING BOARDS ADMINISTRATIVELY ATTACHED TO THE DEPARTMENT OF LABOR AND INDUSTRY.

WHEREAS, it is the duty of each professional licensing board to set and enforce standards and rules governing the licensing, certification, registration, and conduct of its members; and

WHEREAS, it is the duty of the Department of Labor and Industry to provide administrative, legal, and clerical services needed by the boards, including issuance, denial, and renewal of licenses, the registering and disciplining of licensees, and the recording and filing of minutes of board meetings and hearings; and

WHEREAS, each professional licensing board allocated to the Department of Labor and Industry is required to follow state law and set fees commensurate with the costs of administering the board's program; and

WHEREAS, all licensing boards may take disciplinary action against licensees, including the investigation of complaints and the suspension, revocation, or denial of a professional license; and

WHEREAS, section 37-1-135, MCA, requires that all licensing boards provide the Legislative Auditor, upon request, with any records or information compiled during the course of a background review, complaint investigation, or peer review; and

WHEREAS, more than 20 years have passed since the Legislative Auditor completed 46 sunset audits reviewing the operations of licensing boards; and

WHEREAS, it is in the interest of the licensees and the State of Montana to ensure that licensing laws are administered fairly, efficiently, and effectively.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the Legislative Audit Committee prioritize a series of limited-scope performance audits of the operations of professional licensing boards and related administrative services of the Department of Labor and Industry, including but not limited to:

(a) the practices used to ensure that fees adopted by each professional board are commensurate with the costs of regulation and that fund balances are sufficient for operation of each board;

(b) the policies, procedures, and practices of each professional board regarding disciplinary activity to ensure that board actions protect the public and are rational, impartial, and in compliance with state law and regulations adopted by the Department of Labor and Industry and the board;

(c) the efficiency and effectiveness of the Department of Labor and Industry's procedures for administering the activities of professional boards;

(d) the composition of each professional board to ensure that the public, the profession, and the occupation regulated by the board are adequately represented; and

(e) each board's professional examination and experience requirements to ensure that both are designed to protect the public rather than limit access to the profession and occupation.

(2) That the Legislative Audit Committee present its findings, recommendations, and any proposed legislation to the 59th Legislature.

Adopted March 24, 2003

HOUSE JOINT RESOLUTION NO. 21

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE GOVERNOR TO SET ASIDE A TIME ON MEMORIAL DAY AS A MOMENT OF REMEMBRANCE TO HONOR THE ACTS AND EFFORTS OF MONTANANS WHO DIED IN SERVICE TO THE UNITED STATES AND TO HONOR THOSE MONTANANS WHO CONTINUE TO SERVE ON BEHALF OF THIS COUNTRY.

WHEREAS, Memorial Day has been celebrated officially in this country since May 1868 as a way of honoring and remembering the sacrifices of America's brave members of the armed forces who gave their lives in defense of this country's freedoms; and

WHEREAS, the hectic pace of modern lives leaves little time to reflect on the sacrifices of those who fought and died for this country; and

WHEREAS, the true meaning of Memorial Day is in danger of being associated with barbecues, picnics, and the start of summer more than as a time to honor those who served this country; and

WHEREAS, a statewide moment of remembrance would provide a time to encourage all citizens to pause and reflect on the heroic sacrifices that Memorial Day is intended to commemorate.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Governor be urged to proclaim 1 p.m. mountain daylight time on Memorial Day as a moment of remembrance at which time Montanans will be asked to simultaneously pause and unite in remembrance, whether in prayer or silent contemplation, of those Americans who gave their lives to secure or maintain liberty in the United States and of those Americans who continue to serve in this nation's armed forces.

BE IT FURTHER RESOLVED, that all citizens of Montana, wherever they happen to be and whether alone or with others, be encouraged to participate in a moment of remembrance.

BE IT FURTHER RESOLVED, that each public and recreational facility open on Memorial Day in Montana be urged to make a public announcement at 1 p.m. mountain daylight time, requesting participation in a moment of remembrance.

BE IT FURTHER RESOLVED, that the Secretary of State provide a copy of this joint resolution to the Governor and send a copy to the President of the United States to reflect Montana's solidarity with other states that have followed the recommendations of the White House Commission on

Remembrance to honor both those who died in service to this country and those who continue to serve.

Adopted March 14, 2003

HOUSE JOINT RESOLUTION NO. 22

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE U.S. BOARD ON GEOGRAPHIC NAMES TO RENAME HALFBREED RAPIDS ON THE MISSOURI RIVER AS "PINE ISLAND RAPIDS", THE NAME GIVEN THE RAPIDS BY MEMBERS OF THE LEWIS AND CLARK EXPEDITION.

WHEREAS, Meriwether Lewis described a series of rapids in the Missouri River south of what is now the town of Cascade, Montana, in his July 17, 1805, journal near an island that he termed "pine island", and these rapids later were called "Pine Island Rapids" in observations by coleader of the Lewis and Clark Expedition, William Clark, who identified the "Pine Island Rapids" as a geographic indicator in his journals while on the Pacific Coast and again on August 12, 1806, and these rapids were referred to as "pine islands and rapids" by Lewis and Clark Expedition member Sgt. John Ordway in his July 17, 1806, journal; and

WHEREAS, the name of the rapids through time and without a confirmed source for the name became "Halfbreed Rapids"; and

WHEREAS, the word "halfbreed" is "[g]enerally regarded as an offensive term because often used contemptuously", according to Webster's New World College Dictionary, Fourth Edition (2001); and

WHEREAS, the Lewis and Clark Bicentennial provides an opportunity to recognize and rename a geographic feature named in journals by members of the Lewis and Clark Expedition.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the State of Montana urge the U.S. Board on Geographic Names to change the name of "Halfbreed Rapids" to "Pine Island Rapids" in recognition of the name given to the Missouri River rapids by members of the Lewis and Clark Expedition.

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to the U.S. Board on Geographic Names and to Montana's Congressional Delegation.

Adopted March 8, 2003

HOUSE JOINT RESOLUTION NO. 25

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA TO SUPPORT THE GRASSROOTS EFFORTS OF THE NORTHCENTRAL MONTANA COMMUNITY VENTURES PROJECT TO DETERMINE STRATEGIES TO REDUCE POVERTY IN NORTHCENTRAL MONTANA AND TO SUPPORT THE NORTHCENTRAL MONTANA COMMUNITY VENTURES PROJECT

IN ITS EFFORTS TO OBTAIN FUNDING FROM THE NORTHWEST AREA FOUNDATION.

WHEREAS, an 11-county area of northcentral Montana is one of four finalists competing in eight states for funding from the Northwest Area Foundation for a multiyear, intensive project to reduce poverty; and

WHEREAS, individuals, organizations, and units of local governments in Glacier, Toole, Pondera, Teton, Cascade, Liberty, Hill, Blaine, Phillips, Chouteau, and Judith Basin Counties, along with tribal governments of the Blackfeet, Fort Belknap, Rocky Boy, and Little Shell Band of Chippewa, have worked together under the umbrella of the Northcentral Montana Community Ventures Project for more than a year to cooperatively identify the root causes of poverty and to define poverty as it exists in northcentral Montana; and

WHEREAS, the Indian communities of northcentral Montana have been an integral component in the project planning; and

WHEREAS, hundreds of Montana citizens throughout northcentral Montana have participated in a dynamic planning process, a process through which the Northcentral Montana Community Ventures Project sought to ensure broad and diverse participation, including dialogues with individuals and families living in poverty; and

WHEREAS, the 11-county northcentral Montana area already has received a generous contribution of \$600,000 from the Northwest Area Foundation to assist in the design stage of a final plan to identify strategies for reducing poverty in northcentral Montana; and

WHEREAS, the Northwest Area Foundation has identified three communities in other states in addition to the 11-county area in northcentral Montana as potential recipients of funding in its grassroots, community-based Community Ventures Program but will provide final funding to only one or two areas; and

WHEREAS, the reduction of poverty is an important public policy goal of the State of Montana; and

WHEREAS, if this project application is successful, the 11 counties in northcentral Montana will be strengthened in their efforts to reduce poverty, thus strengthening all of Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Montana Legislature formally support the application of the Northcentral Montana Community Ventures Project to the Northwest Area Foundation for development and implementation of a strategic, long-term plan to assist in reducing rates of poverty in an 11-county area of northcentral Montana.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this joint resolution to the Northwest Area Foundation, to the Northcentral Montana Community Ventures Project, and to the tribal governments of the Blackfeet, Fort Belknap, and Rocky Boy Reservations and the Little Shell Band of Chippewa.

Adopted March 19, 2003

HOUSE JOINT RESOLUTION NO. 26

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA SUPPORTING ALL NECESSARY STEPS TO MOVE MONTANA INTO A HYDROGEN-BASED ECONOMY.

WHEREAS, the stability of the United States' economy and security is threatened by its dependence on foreign energy imports; and

WHEREAS, technological advances have moved hydrogen energy forward as the best nonpolluting, most plentiful energy carrier available to support all future energy needs; and

WHEREAS, billions of dollars are being spent by business, industry, states, and the federal government to move the nation into a hydrogen economy; and

WHEREAS, Montana is the only state in the nation with all the natural resources needed to make it a leader in the hydrogen energy area; and

WHEREAS, Montana could use its coal, gas, oil, carbon, wind, water, solar, biomass, and platinum resources to produce trillions of cubic feet of pollution-free hydrogen and highly sought after fuel cells; and

WHEREAS, Montana is in need of a statewide economic driver to spur its economy in ways that attract businesses, create quality jobs, fund infrastructure development, preserve its environment, and train the best hydrogen-trained workforce in the nation.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Montana Legislature support the implementation of a Montana hydrogen energy plan to:

(1) educate Montanans about the benefits of a hydrogen economy and promote a Montana hydrogen futures coalition;

(2) establish the Montana Hydrogen Futures Project as the key economic development focus of the state;

(3) institute necessary state policies and legislation to promote Montana Hydrogen Futures Project development and statewide involvement;

(4) support the establishment of a focal point of the hydrogen economy at the Montana Hydrogen Futures Park at the University of Montana-Missoula;

(5) support and encourage federal commitment and necessary matching funds to construct the Montana Hydrogen Futures Park and provide for development of the Montana energy products network to attract hydrogen-based business and industries to Montana;

(6) establish alliances with energy producers and promote resource identification by Montana communities by identifying all existing and potential federal, state, tribal, and community resources for inclusion in the Montana energy products network;

(7) develop a first-class education and training system that attracts and prepares high-quality hydrogen professionals for all levels of the hydrogen economy and replicate this system throughout the state;

(8) expand the Montana energy products network by creating the statewide micro enterprise system that establishes business opportunities, incentives, and state business development marketing; and

(9) pursue national prominence with other states and agencies in the supply of hydrogen to the national hydrogen distribution system.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Montana Congressional Delegation, the Governor, the Directors of the Departments of Agriculture, Commerce, Transportation, Environmental Quality, and Natural Resources and Conservation, the Superintendent of Public Instruction, the Commissioner of Higher Education, and the Public Service Commission.

Adopted April 5, 2003

HOUSE JOINT RESOLUTION NO. 28

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ENCOURAGING THE DEPARTMENT OF ADMINISTRATION TO INITIATE A COLLABORATIVE STUDY CONCERNING THE PROCESS AND CRITERIA FOR STATE AGENCIES TO USE IN AWARDING PUBLIC WORKS CONSTRUCTION CONTRACTS.

WHEREAS, awarding public works construction contracts to the “lowest responsible bidder” has been standard practice for the State of Montana for decades; and

WHEREAS, various public entities have, in recent years, attempted to award contracts for construction using various alternative project delivery systems, such as “design-build”, “construction manager at risk”, and other derivatives of these methods, leading to conflicts among the construction industry, and the architecture and engineering professions; and

WHEREAS, governing statutes relating to the award of public works construction contracts have been interpreted in widely divergent ways by various stakeholders and by the courts; and

WHEREAS, public owners, including the Department of Administration, have proposed at various times to amend the law to allow construction contracts to be awarded on a “best value” basis, but stakeholders have not been able to reconcile differences on the approach.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Department of Administration is encouraged to initiate a collaborative study that should result in recommendations to the 2005 Legislature concerning the applicability, procedures, and criteria for state agencies to use in awarding public works construction contracts. The recommendations should:

(1) state how a decision is reached to award a contract on the basis of “best value”;

(2) establish criteria for ensuring a fair, equitable, and objective selection process;

(3) determine qualifications for members of selection panels used to award contracts; and

(4) establish a process ensuring that taxpayers receive the most cost-effective project possible.

BE IT FURTHER RESOLVED, that the collaborative study should involve representatives of the Department of Administration, the construction industry, the architecture and engineering professions, the surety industry, and any other stakeholders that the Department determines necessary.

Adopted March 24, 2003

HOUSE JOINT RESOLUTION NO. 29

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REAFFIRMING THE LEGISLATURE'S COMMITMENT TO ENHANCING THE STATE'S CAPACITY TO IMPROVE CARE FOR MONTANA'S CHILDREN AND FAMILIES THROUGH STRENGTHENING COMMUNITY-BASED HEALTH SERVICES, HUMAN SERVICES, AND WORK-RELATED, SOCIAL, AND RECREATIONAL SERVICES AND PROGRAMS AND THROUGH IMPROVING THE VIABILITY OF THE PRIVATE-NONPROFIT CAREGIVER AND VENDOR NETWORK NECESSARY TO PROVIDE THOSE SERVICES AND ENDORSING THE PRINCIPLE THAT COMMUNITY SERVICES FOR CITIZENS SHOULD BE PROVIDED TO ACHIEVE THE GREATEST DEGREE OF QUALITY RESULTS, NORMALIZATION, AND MEANINGFUL PARTICIPATION IN THE COMMUNITIES AS POSSIBLE.

WHEREAS, federal courts, personal conscience, and Montana custom have determined that it is a basic human right of individuals, children, and families with special needs to live in the least restrictive, most dignified, and most nurturing way possible; and

WHEREAS, when appropriate and safe, community-based social, recreational, health, and human services are provided to all individuals, including those with special needs; and

WHEREAS, consumer and family choice of services promotes cost-effective and flexible solutions for care while meeting the unique needs of individuals, children, and families with special needs; and

WHEREAS, recent studies have shown that strong not-for-profit, along with for-profit, business sectors are vital sources of local economic development; and

WHEREAS, in 1998, the not-for-profit sector was the fifth largest source of wages in Montana and 75% of not-for-profit corporation revenue came from health care, mental health care, and multipurpose human services corporations; and

WHEREAS, economic development in all business sectors is attracted to communities that have strong health networks and social, recreational, and human services; and

WHEREAS, the priorities of the Governor's Office of Economic Development include promoting Montana businesses, enabling economic development by increasing government responsiveness and efficiency, and providing an opportunity for all Montana citizens to share economic prosperity and a high quality of life in all regions of the state; and

WHEREAS, the Bush Administration's New Freedom Initiative promotes consumer and family choice in disability-related treatment, health care, and other basic community living decisions, allowing people with disabilities and their families to decide how best to plan, obtain, and sustain community-based services; and

WHEREAS, the Montana Mental Health Oversight Advisory Council has established guiding principles for creating a system of community-based care in Montana that rests on principles of recovery and resiliency, equity, access and satisfaction, cultural competency, community education and awareness, flexibility, and diversion; and

WHEREAS, the Governor's Blue Ribbon Task Force on Health Care Workforce Shortage's recommendations include those human services professions that are essential to the health care system by providing care, treatment, and support to children, families, and individuals with disabilities and special needs, including services to those with developmental disabilities, emotional disturbances, mental illness, and chemical dependency who may be served in community-based programs or in residential programs; and

WHEREAS, increasing the availability of innovative community-based social, recreational, health, and human services will improve all individuals' ability to use their strengths and resources to enhance their quality of life and their ability to manage their own lives and will be an important key to maximizing consumer health, successful functioning and normalization, and maximizing systemic fiscal efficiency and accountability; and

WHEREAS, a strong, healthy, private not-for-profit and for-profit network and open market competition is necessary to achieve both consumer choice, fiscal efficiency, and accountability; and

WHEREAS, the Legislature directly affects the availability, direction, and success of these important services and programs through the appropriation of critical funds to state agencies.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the 58th Legislature encourages all branches of state government, through the Department of Public Health and Human Services and when practical, appropriate, and safe, to work towards the development and maintenance of a consistent and complete compendium of community-based services for all citizens, including individuals, children, and families with special needs, while recognizing the essential role of the individual, family, and community in planning for, providing, and purchasing the rich array of social, recreational, health care, and human services and other programs available.

BE IT FURTHER RESOLVED, that copies of this resolution be provided to the Governor, the Chief Justice of the Montana Supreme Court, and the Director of the Department of Public Health and Human Services.

Adopted April 11, 2003

HOUSE JOINT RESOLUTION NO. 30

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT THE WHITE HOUSE OFFICE OF FAITH-BASED AND COMMUNITY

INITIATIVES BE ENCOURAGED TO RECOGNIZE THAT THE SPIRITUAL PRACTICES OF TRADITIONAL INDIAN CULTURES ARE UNIQUE TO EACH TRIBE, THAT TRIBAL LEADERS AT THE LOCAL LEVEL BE CONSULTED IN THE IMPLEMENTATION OF ANY PROGRAMS, AND THAT THE AMERICAN INDIAN WELFARE REFORM ACT FOR THE OPERATION OF PUBLIC ASSISTANCE BY INDIAN TRIBES BE SUPPORTED.

WHEREAS, President George W. Bush established the White House Office of Faith-Based and Community Initiatives by executive order on January 29, 2001, in order to help the federal government coordinate a national effort to expand opportunities for faith-based and other community organizations and to strengthen their capacity to better meet social needs in America's communities; and

WHEREAS, the goal of the office is compassionate results with the values of pluralism, nondiscrimination, evenhandedness, and neutrality in facing issues such as strengthening families and neighborhoods, curbing crime, conquering addiction, and overcoming poverty; and

WHEREAS, Indian communities face similar issues and have always been faith-based communities with cultural knowledge and spiritual beliefs unique to each community, yet there is no specific language in the executive order to recognize the unique, spiritual nature of each tribal culture and the oldest cultural practices in the United States; and

WHEREAS, many of the programs funded under the Office of Faith-Based and Community Initiatives are driven by specific denominations who wish to provide services to Indian people without having consulted the tribal representatives at the local level to determine the appropriateness of the services to the community and to determine whether there is a possible infringement on the cultural and spiritual beliefs of the community; and

WHEREAS, to the extent that state agencies and advisory councils are used to determine where federal resources, such as the Compassion Capital Fund, are expended, the state should respect the government-to-government relationship between its representative state agencies and each tribal government and work with each tribal government to develop best practices with respect to self-determination in the delivery of social services in relation to the spiritual aspects of traditional Indian cultures; and

WHEREAS, there are unique opportunities to coordinate efforts under the Office of Faith-Based and Community Initiatives with other social service efforts;

WHEREAS, the State of Montana supports passage of the American Indian Welfare Reform Act proposed by Senator Max Baucus, which has been introduced in Congress, the purpose of which is to reauthorize and improve the operation of the Temporary Assistance to Needy Families (TANF) programs that are currently operated by Indian tribes or that in the future may be operated by Indian tribes and which calls for a report on the best practices with respect to the delivery of social services in relation to all tribal TANF programs and systemic aspects of the tribal TANF programs and relations between state and tribal administrators of TANF; and

WHEREAS, the President has signed an executive order on December 12, 2002, for equal protection of the laws for faith-based and community organizations that does not allow for discrimination on the basis of religion or

religious belief and may not discriminate against current or prospective program beneficiaries based on their beliefs.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Office of Faith-Based and Community Initiatives and any programs that are implemented by state governments in conjunction with that office and the Compassion Capital Fund be encouraged to recognize that spiritual practices of traditional Indian cultures are unique to each tribe.

BE IT FURTHER RESOLVED, that recipients of grants or other funds for social services or other efforts under the Office of Faith-Based and Community Initiatives programs be required by the federal and state agencies that are involved to consult with each tribal government at the local level before implementation of any programs in reservation communities in order to allow for self-determination in the implementation of these programs.

BE IT FURTHER RESOLVED, that efforts such as the federal American Indian Welfare Reform Act proposed by Senator Max Baucus be supported in order to provide the tools for self-determination and culturally relevant efforts to address self-sufficiency among tribal TANF recipients and tribal communities, and that efforts of self-determination of all tribal nations be culturally relevant and be determined at the most local level by the tribal leaders.

Adopted March 26, 2003

HOUSE JOINT RESOLUTION NO. 31

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ENCOURAGING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO DEVELOP INNOVATIVE PROGRAMS WITHIN THE TEMPORARY ASSISTANCE TO NEEDY FAMILIES PROGRAM THAT DIVERT FAMILIES FROM RECEIVING CASH ASSISTANCE AND THAT PROVIDE A PATHWAY OUT OF POVERTY.

WHEREAS, the goal of the Temporary Assistance for Needy Families (TANF) program is to assist families in achieving economic self-sufficiency, but the evaluation of the Montana program shows that families who leave the program do not attain self-sufficiency and remain in low-income jobs with limited, if any, benefits; and

WHEREAS, the TANF caseload has recently increased and the limited funding only allows for cash assistance payments and minimal work experience programs to ensure that the state meets its work participation rate; and

WHEREAS, Montana's Human and Community Services Division is committed to assisting families to move out of poverty, not locking them into minimum wage employment that keeps them in poverty; and

WHEREAS, Montana has successful initial experience with asset-building programs, assisting over 175 low-income families in Missoula, Billings, and Helena to build individual development accounts and to use them to go to school, start businesses, and become homeowners; and

WHEREAS, low-income families need a stable income package so that they can achieve personal savings and commercial credit to build assets.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Department of Public Health and Human Services be encouraged to develop an innovative program within the Temporary Assistance to Needy Families program that diverts families, including Native American families, from the assistance program and provides a pathway out of poverty. The program should:

- (1) assist families to build assets, such as personal savings and commercial credit, and use individual development accounts;
- (2) provide a stable income base on which to build;
- (3) assist participation in post-secondary education and high-wage training;
- (4) coordinate access to any other support programs for which a family may qualify including Medicaid and child care; and
- (5) not count against the time limits for assistance, but it is not the intent of the Legislature to extend the 5-year limit on TANF assistance.

Adopted April 5, 2003

HOUSE JOINT RESOLUTION NO. 32

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT THE GOVERNOR, THE MONTANA CONGRESSIONAL DELEGATION, AND THE U.S. SECRETARY OF THE INTERIOR SEEK THE IMMEDIATE DELISTING OF THE GRAY WOLF AND THE RETURN OF CONTROL OF THE WOLF TO THE STATE; URGING MONTANA OFFICIALS TO ACTIVELY PURSUE THE DELISTING EFFORT ON TERMS FAVORABLE TO MONTANA AND RECOMMENDING CERTAIN SPECIFIC TERMS FOR DELISTING; AND URGING THE STATE ATTORNEY GENERAL TO JOIN THE STATE IN ANY LEGAL ACTION BROUGHT TO BLOCK THE WOLF DELISTING PROCESS.

WHEREAS, the gray wolf has been protected by the U.S. Fish and Wildlife Service under the federal Endangered Species Act, notwithstanding plentiful numbers of wolves in Alaska and Canada; and

WHEREAS, because of the protection afforded by the Endangered Species Act, gray wolves have been reintroduced into and have become reestablished in Montana; and

WHEREAS, estimates of current Montana wolf population numbers vary from 250 to 300 wolves; and

WHEREAS, professional biological wolf studies in Alaska, Minnesota, and Canada have found that as long as wolves have prey animals to feed upon, wolf populations may expand at a rate of up to 34% a year; and

WHEREAS, this studied rate of wolf population growth is consistent with wolf population expansion observed in Montana, Idaho, and Wyoming; and

WHEREAS, wolves in Montana currently feed primarily on elk and disproportionately on young replacement elk born in the spring of each year; and

WHEREAS, elk may compose up to 80% of a wolf's diet; and

WHEREAS, the Montana Department of Fish, Wildlife, and Parks estimates that there are about 94,000 elk in Montana; and

WHEREAS, given the documented rate of uncontrolled wolf population expansion, the expected consumption rate of elk by wolves, and the limited supply of elk in Montana, it is reasonable to project devastation of Montana elk herds by wolves if the expansion of wolf populations is not aggressively controlled very soon; and

WHEREAS, unchecked predation by wolves will reduce hunting opportunities for the people of Montana; and

WHEREAS, in addition to impacting Montana's long heritage and culture of hunting, these negative impacts will also have a profound economic consequence for Montana people and communities.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Governor, the Montana Congressional Delegation, and the U.S. Secretary of the Interior be strongly urged to aggressively seek the immediate delisting of the gray wolf and the complete return of control over and management of wolves in Montana to Montana.

BE IT FURTHER RESOLVED, that Montana resist federal pressure to accept wolf delisting on terms unfavorable to Montana and that the Governor and the Montana Department of Fish, Wildlife, and Parks be urged not to accept wolf delisting unless the terms of delisting are favorable to Montana and include:

- (1) funding for wolf management from federal sources;
- (2) a definition of "breeding pair" that includes only one breeding male and one breeding female of any wolf pack and their single litter of pups under 6 months of age; and
- (3) complete abandonment of federal enforcement authority over wolves.

BE IT FURTHER RESOLVED, that if any wolf delisting opponent files a lawsuit to block or restrict any planned or actual delisting of wolves by the U.S. Fish and Wildlife Service, the Montana Attorney General be urged to immediately join the state in that lawsuit to vigorously protect the interests of Montana in gaining wolf delisting.

BE IT FURTHER RESOLVED, that copies of this resolution be sent by the Secretary of State to the Governor, the Montana Congressional Delegation, the Montana Attorney General, the Director of the Montana Department of Fish, Wildlife, and Parks, the U.S. Secretary of the Interior, and the Director of the U.S. Fish and Wildlife Service.

Adopted April 11, 2003

HOUSE JOINT RESOLUTION NO. 34

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING CONGRESS TO ENACT AND THE PRESIDENT OF THE UNITED STATES TO APPROVE LEGISLATION TO ALLOW TAXPAYERS TO DEDUCT SALES TAXES ON THEIR FEDERAL INCOME TAX RETURN.

WHEREAS, national economic studies show that states that rely on sales taxes for governmental revenue generally experience stronger economic growth than those states that rely on income taxes for governmental revenue; and

WHEREAS, until 1986, federal law allowed taxpayers to deduct sales taxes on their federal income tax return; and

WHEREAS, the Tax Reform Act of 1986 removed the ability of taxpayers to deduct sales taxes on their federal income tax return; and

WHEREAS, not allowing the deduction of sales taxes on the federal income tax return discriminates against those states that do not impose income taxes and is counterproductive to economic growth; and

WHEREAS, a major impediment preventing Montana from switching from the income tax to a sales tax is the higher federal tax burden that Montana taxpayers would face because they would not be allowed to deduct sales taxes on their federal income tax return; and

WHEREAS, the United States Congress has recently considered legislation to restore the deduction of sales taxes on the federal income tax return; and

WHEREAS, federal policy should encourage states to develop tax policies, including the use of sales taxes to fund government services, that encourage economic growth.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislature urge Congress to enact and the President of the United States to approve legislation to allow taxpayers to deduct sales taxes paid on their federal income tax return.

BE IT FURTHER RESOLVED, that the Legislature encourage the Montana Congressional Delegation to work in its respective houses of Congress for the enactment of federal legislation that would allow taxpayers to deduct sales taxes paid from their federal income tax return.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and each member of Congress from the State of Montana.

Adopted March 24, 2003

HOUSE JOINT RESOLUTION NO. 35

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY REGARDING MONTANA'S SHARE OF WATER FROM THE INTERSTATE TRIBUTARIES PURSUANT TO THE YELLOWSTONE RIVER COMPACT.

WHEREAS, the Yellowstone River Compact defines the "interstate tributaries" to include the following rivers that contribute to the flow of the Yellowstone River in the State of Montana, along with tributaries of these rivers: the Clarks Fork of the Yellowstone River, the Big Horn River (except the Little Big Horn River), the Tongue River, and the Powder River; and

WHEREAS, the agricultural communities along the interstate tributaries of the Yellowstone River depend on a sufficient supply of high-quality water for their livelihood and survival; and

WHEREAS, these agricultural communities have not been receiving a sufficient supply of water to meet their needs; and

WHEREAS, the headwaters of the interstate tributaries are in Wyoming; and

WHEREAS, because of concern that the waters of the interstate tributaries would soon become fully appropriated by Wyoming, in 1932 the State of Montana began urging the state of Wyoming to negotiate a compact to divide the waters of the interstate tributaries between Montana and Wyoming; and

WHEREAS, after 18 years of negotiations, in 1951, Montana, Wyoming, and North Dakota agreed to the terms of the Yellowstone River Compact, which is codified in Title 85, chapter 20, part 1, MCA; and

WHEREAS, the purpose of the Yellowstone River Compact stated in section 85-20-102, MCA, provides that all appropriative rights to the beneficial uses of the waters of the interstate tributaries of the Yellowstone River existing in each signatory state as of January 1, 1950, are recognized and must continue to be enjoyed in accordance with the laws governing the acquisition and use of water under the doctrine of appropriation; and

WHEREAS, the purpose of the Yellowstone River Compact stated in section 85-20-102, MCA, provides that all appropriative rights to the beneficial uses of the waters of the interstate tributaries of the Yellowstone River acquired after January 1, 1950, are subject to distribution in the states of Montana and Wyoming in accordance to the percentages in the different basins as provided in Article V of the Compact; and

WHEREAS, the purpose of the Yellowstone River Compact stated in section 85-20-102, MCA, is to enable the State of Montana and the Yellowstone River Compact Commission to comply with and to administer the percentage allocations as provided in Article V of the Compact; and

WHEREAS, Montana has not documented the receipt of its lawful share of water under the Yellowstone River Compact since ratification of the Compact; and

WHEREAS, inflows from the Tongue River to the Tongue River Reservoir were measured at all-time lows in the summer of 2001; and

WHEREAS, the Tongue River Reservoir did not receive sufficient water to provide the agricultural producers in the Tongue River drainage with enough water for irrigation in 2000, 2001, and 2002; and

WHEREAS, the shortage of water in these years resulted in diminished crop yields; and

WHEREAS, the reasons for recent low water flows in the interstate tributaries must be documented before Montana can develop a sound strategy for receiving, storing, and distributing Montana's water; and

WHEREAS, Montana's acceptance of the Yellowstone River Compact was based in part on assurances that large federal water storage projects would be built on the interstate tributaries; and

WHEREAS, except for the Yellowtail Dam, the federal water projects have not been built; and

WHEREAS, the distribution of water between Montana and Wyoming, as provided in Article V of the Yellowstone River Compact, has not been implemented; and

WHEREAS, the distribution of water under the Compact cannot be implemented without federal water storage projects to store the water for distribution in Montana; and

WHEREAS, the State of Montana has entered into compacts with the Northern Cheyenne Tribe and the Crow Tribe that affect the allocation of water from the interstate tributaries.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) investigate whether Montana is receiving its lawful share of water from the interstate tributaries pursuant to the Yellowstone River Compact; and

(2) if the investigation determines that Montana is not receiving its lawful share of water, make recommendations regarding how to ensure that Montana receives its lawful share of water from the interstate tributaries pursuant to the Yellowstone River Compact.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2004.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 59th Legislature.

Adopted April 26, 2003

HOUSE JOINT RESOLUTION NO. 37

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM REVIEW OF THE MONTANA SUBDIVISION AND PLATTING ACT AND RECOMMENDATIONS FOR LEGISLATION TO REVISE THE ACT SO THAT IT IS CLEAR, CONCISE, LOGICALLY ORGANIZED, AND IN CONFORMANCE WITH THE BILL DRAFTING MANUAL; AND REQUESTING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 59TH LEGISLATURE.

WHEREAS, clear, concise, and logically organized laws benefit all Montanans by increasing efficiency, reducing confusion, minimizing litigation, and providing for consistent application of the laws; and

WHEREAS, in recent legislative sessions, sections of Title 76, chapter 3, MCA, the Montana Subdivision and Platting Act, have been amended several times; and

WHEREAS, this piecemeal approach to amendment of the Montana Subdivision and Platting Act has resulted in laws that are not always clear, concise, logically organized, or consistently applied; and

WHEREAS, for example, the procedures for review of minor subdivisions are codified in two different parts of Title 76, chapter 3, MCA; and

WHEREAS, for example, section 76-3-103, MCA, defines terms that are not used in the Montana Subdivision and Platting Act; and

WHEREAS, for example, the term "minor subdivision" is used and not defined in the Montana Subdivision and Platting Act.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to review Title 76, chapter 3, MCA, and make recommendations for legislation to facilitate the consistent application of the laws by revising that chapter in a way that is clear, concise, logically organized, and in conformance with the Bill Drafting Manual published by the Legislative Services Division.

BE IT FURTHER RESOLVED, that, if the review is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the review, including presentation and review requirements, be concluded prior to September 15, 2004.

BE IT FURTHER RESOLVED, that the final results of the review, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 59th Legislature.

Adopted April 25, 2003

HOUSE JOINT RESOLUTION NO. 40

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE LEGISLATIVE COUNCIL TO DESIGNATE AN INTERIM COMMITTEE TO STUDY ISSUES ASSOCIATED WITH WATER RIGHTS FOR PRIVATE PONDS FOR FISH, WILDLIFE, RECREATIONAL, WETLAND, AESTHETIC, AND GRAVEL MINING USES; AND REQUESTING A REPORT OF THE FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS OF THE STUDY TO THE 59TH LEGISLATURE AND THE GOVERNOR.

WHEREAS, Montana's scarce water resources are of vital importance to the state, its environment, and its citizens for existing and future prosperity; and

WHEREAS, as a result of Montana's arid climate, water has been appropriated from Montana's rivers and streams under the prior appropriation doctrine for more than 100 years; and

WHEREAS, many of Montana's river basins are now closed to new appropriations; and

WHEREAS, Montanans will increasingly find more basins closed by either the Legislature or the Department of Natural Resources and Conservation because of overappropriation of water; and

WHEREAS, continuing diversions from Montana's overappropriated rivers and streams can adversely impact historic water users; and

WHEREAS, continuing diversions from Montana's overappropriated rivers and streams can adversely impact existing wetlands, native fisheries, and other aquatic values; and

WHEREAS, the number of applications for new water rights for ponds in Montana has been increasing, even in closed river basins; and

WHEREAS, it is difficult to quantify the minimum or maximum amount of water needed for ponds for fish, wildlife, recreational, wetland, or aesthetic uses; and

WHEREAS, the impacts to a stream system resulting from a diversion of water from that stream for a pond can be much greater than the impacts resulting from an instream use of water that is nonconsumptive; and

WHEREAS, under Article IX, section 3, of the Montana Constitution, all waters within the boundaries of the state are the property of the state for the use of its people and are subject to appropriation for beneficial uses as provided by law; and

WHEREAS, under Article IX, section 3, of the Montana Constitution, the Legislature shall provide for the administration, control, and regulation of water rights.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee to:

(1) evaluate whether or not water use for private ponds for fish, wildlife, recreational, wetland, or aesthetic uses should be considered a beneficial use of water under Montana law;

(2) if private ponds for fish, wildlife, recreational, wetland, or aesthetic uses are to be considered beneficial uses, evaluate whether or not criteria or limits should be established to determine the size of a pond or the amount of water used for a pond that can be considered a beneficial use;

(3) evaluate what measures, if any, are needed to address:

(a) the proliferation of private ponds in Montana that are being constructed without first seeking or obtaining water rights; and

(b) the proliferation of ponds associated with gravel mining operations;

(4) examine the definition of "nonconsumptive use" and:

(a) evaluate whether or not additional criteria should be established to determine whether or not a water use is a nonconsumptive use; and

(b) identify what presumptions, if any, should be applied to the term "nonconsumptive"; and

(5) evaluate any other issues related to the use of water for private ponds for fish, wildlife, recreational, wetland, aesthetic, or gravel mining uses.

BE IT FURTHER RESOLVED, that the interim committee seek information and ideas from the following parties in the process of evaluation and before reaching conclusions and making recommendations for future legislative action:

- (1) the Department of Natural Resources and Conservation;
- (2) the Department of Fish, Wildlife, and Parks;
- (3) Montana water right holders and water users;
- (4) organizations representing water right holders and water users, including but not limited to organizations representing agricultural water users, wildlife and wetland conservation interests, anglers, water-based recreational users, and water right consultants;
- (5) organizations representing the land development industry and the real estate industry; and
- (6) other interested persons or organizations.

BE IT FURTHER RESOLVED, that the interim committee may request assistance from any agency of state government, the Montana University System, organizations, and knowledgeable citizens, in addition to receiving staff support from the Legislative Services Division.

BE IT FURTHER RESOLVED, that the committee prepare a report of its findings, conclusions, and recommendations by September 15, 2004, and submit the report to the 59th Legislature and the Governor.

Adopted April 26, 2003

HOUSE JOINT RESOLUTION NO. 43

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY OF THE SURFACE WATER AND GROUND WATER IMPACTS OF THE ABANDONED ZORTMAN AND LANDUSKY MINE SITES ON THE MILK AND MISSOURI RIVER WATERSHEDS AND THE EFFECTIVENESS OF THE STATE RECLAMATION EFFORTS AT THE ZORTMAN AND LANDUSKY MINE SITES IN PROTECTING THE WATERSHEDS; AND REQUESTING THAT THE RESULTS OF THE STUDY BE REPORTED TO THE 59TH LEGISLATURE.

WHEREAS, Pegasus Gold Corporation (Pegasus), through its subsidiary, Zortman Mining Incorporated (ZMI) and its predecessors, owned and operated the Zortman mine and the Landusky mine located in the Little Rocky Mountains of Phillips County, Montana, from 1979 until ZMI entered Chapter 7 bankruptcy in 1998 and abandoned the site; and

WHEREAS, the State of Montana's Department of Environmental Quality (DEQ) is presently directing the land reclamation and water treatment activities and operating the water treatment plants at the mine sites; and

WHEREAS, in 2002, the Bureau of Land Management and the DEQ prepared a joint supplemental environmental impact statement to evaluate alternatives for the final reclamation of the Zortman and Landusky mine sites; and

WHEREAS, the effectiveness and sufficiency of the current and proposed reclamation are not universally acceptable, and the reclamation is admittedly underfunded; and

WHEREAS, water discharges from the mine sites require treatment efforts, possibly into perpetuity; and

WHEREAS, the Little Rocky Mountains are upland water recharge areas for several watersheds and tributaries that supply the Milk River and the Missouri River; and

WHEREAS, current reclamation plans for water treatment at the mine sites contemplate the complete cessation of water treatment as soon as the year 2028.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to review the reclamation efforts at the Zortman and Landusky mine sites to:

- (1) identify the impacts on surface water and ground water, including the recent degradation of Swift Gulch, attributable to past or present activities at the mine sites;

- (2) determine if there are identifiable downstream impacts on the Milk and Missouri River drainages attributable to past or present activities at the mine sites;

- (3) determine whether the surface water and ground water resources in the watersheds affected by the mine operations are being protected by the current or proposed state reclamation; and

- (4) determine the potential impacts to surface water and ground water resources if additional funding for water treatment and reclamation does not become available.

BE IT FURTHER RESOLVED, that the study be conducted by reviewing available research reports and by soliciting testimony and information from knowledgeable individuals, academic institutions, and the appropriate local, state, tribal, and federal agencies.

BE IT FURTHER RESOLVED, that, in particular, representatives of the Fort Belknap Reservation Environmental Department be included in the study and participate in developing findings and recommendations.

BE IT FURTHER RESOLVED, that, if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2004.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 59th Legislature.

Adopted April 26, 2003

House Resolutions

HOUSE RESOLUTION NO. 1

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REVISING AND ADOPTING THE HOUSE RULES.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the following rules be adopted:

RULES OF THE MONTANA HOUSE OF REPRESENTATIVES

CHAPTER 1

Administration

H10-10. House officers. (1) House officers include a Speaker, a Speaker pro tempore, majority and minority floor leaders, and majority and minority whips (section 5-2-221, MCA).

(2) A majority of representatives voting elects the Speaker and Speaker pro tempore from the House membership. A majority of each caucus voting nominates House members to the remaining offices, and those nominees are considered to have been elected by a majority vote of the House.

H10-20. Speaker's duties. (1) The Speaker is the presiding officer of the House, with authority for administration, order, decorum, and the interpretation and enforcement of rules in all House deliberations.

(2) The Speaker shall see that all members conduct themselves in a civil manner in accordance with accepted standards of parliamentary conduct. The Speaker may, when necessary, order the Sergeant-at-Arms to clear the aisles and seat the members of the House so that business may be conducted in an orderly manner.

(3) Signs, placards, or other objects of a similar nature are not permitted in the rooms, lobby, gallery, or on the floor of the House. The Speaker may order the galleries, lobbies, or hallway cleared in case of disturbance or disorderly conduct.

(4) The Speaker shall appoint and may remove the members of all standing and select committees not otherwise specified by law or rule. Prior to making committee assignments, the Speaker shall take into consideration the recommendations of the minority leader for minority committee assignments and the appointment of the minority vice chairmen. For the Rules Committee, the Speaker shall determine the total number of members and the party division, but each party shall appoint its own members. The Speaker may appoint an additional at-large member to the Rules Committee from either party.

(5) The Speaker shall sign all necessary certifications by the House, including enrolled bills and resolutions, journals (section 5-11-201, MCA), subpoenas, and payrolls.

(6) The Speaker shall arrange the agendas for second and third readings each legislative day. Representatives may amend the agendas as provided in H40-130.

(7) The Speaker is the chief officer of the House, with authority for all House employees. The Speaker may seek the advice and counsel of the Legislative Administration Committee regarding employees.

(8) The Speaker may name any member to perform the duties of the chair. If the House is not in session and the Speaker pro tempore is not available, the Speaker shall name a member who shall call the House to order and preside during the Speaker's absence.

H10-30. Speaker-elect. During the transition period between the party organization caucuses and the election of House officers, the Speaker-elect has the responsibilities and authority appropriate to organize the House (section 5-2-202, MCA). Authority includes approving presession expenditures.

H10-40. Speaker pro tempore duties. The Speaker pro tempore shall, in the absence or inability of the Speaker, call the House to order and perform all other duties of the chair in presiding over the deliberations of the House and shall perform other duties and exercise other responsibilities as may be assigned by the Speaker.

H10-50. Legislative Administration Committee duties. (1) The Legislative Administration Committee shall consider matters relating to legislative administration, staffing patterns, budgets, equipment, operations, and expenditures.

(2) The committee shall have authority to act in the interim to prepare for future legislative sessions. It may delegate specific duties to a legislative agency.

(3) The committee shall approve contracts for purchase or lease of equipment and supplies for the House, subject to the approval of the Speaker.

(4) The committee shall comprise the House membership of the Joint Legislative Administration Committee.

H10-60. Employees. (1) The Speaker shall appoint a Chief Clerk, Sergeant-at-Arms, and Chaplain, subject to confirmation of the House (section 5-2-221, MCA).

(2) The Speaker shall recommend to the Legislative Administration Committee employment of necessary staff.

(3) The secretary for a standing or select committee is generally responsible to the committee chair but shall work under the direction of the Chief Clerk.

(4) The Speaker and majority and minority floor leaders may each appoint a private secretary.

H10-70. Chief Clerk's duties. The Chief Clerk, under the supervision of the Speaker, is the chief administrative officer of the House and is responsible to:

- (1) supervise all House employees;
- (2) have custody of all records and documents of the House;

(3) supervise the handling of legislation in the House, the House journal, and other House publications; deliver to the Secretary of State at the close of each session the House journal, bill and resolution records, and all original House bills and joint resolutions; collect minutes and exhibits from all House committees and subcommittees and deliver them, unbound, to the Legislative Services Division librarian, who shall arrange to have them copied in an archivable format. A copy will be provided to the Legislative Services Division and the State Law Library of Montana. The Legislative Fiscal Analyst will receive a copy of the minutes from the appropriation committee and subcommittees. After copying, the original minutes will be delivered to the Montana Historical Society.

H10-80. Sergeant-at-Arms duties. The Sergeant-at-Arms shall:

(1) under the direction of the Speaker and the Chief Clerk, have charge of and maintain order in the House, its lobbies, galleries, and hallways and all other rooms in the Capitol assigned for the use of the House;

(2) be present whenever the House is in session and at any other time as directed by the presiding officer;

(3) execute the commands of the House and serve the writs and processes issued by the authority of the House and directed by the Speaker;

(4) supervise assistants to the Sergeant-at-Arms, who shall aid in the performance of prescribed duties and who have the same authority, subject to the control of the Speaker;

(5) clear the floor and anteroom of the House of all persons not entitled to the privileges of the floor prior to the convening of each session of the House;

(6) bring in absent members when so directed under a call of the House;

(7) enforce the distribution of any printed matter in the House chambers and anteroom in accordance with H20-80;

(8) enforce parking regulations applicable to areas of the Capitol complex under the control of the House;

(9) supervise the doorkeeper; and

(10) supervise the pages.

H10-90. Legislative aides. (1) A legislative aide is a person specifically designated by a representative to assist that representative in performing legislative duties. A representative may sponsor one legislative aide a session by written notification to the Sergeant-at-Arms.

(2) No representative may designate a second legislative aide in the same session without the approval of the House Rules Committee.

(3) A legislative aide must be of legal age unless otherwise approved by the House Rules Committee.

(4) The Sergeant-at-Arms shall issue distinctive identification tags to legislative aides. The cost must be paid by the sponsoring representative.

H10-100. Legislative interns. A legislative intern is a person designated under Title 5, chapter 6, MCA.

H10-110. House journal. (1) The House shall keep a journal, which is the official record of House actions (Montana Constitution, Art. V, Sec. 10). The journal must be prepared under the direction of the Speaker.

(2) Records of the following proceedings must be entered on the journal:

(a) the taking and subscription of the constitutional oath by representatives (Montana Constitution, Art. III, Sec. 3; 5-2-214);

(b) committee reports;

(c) messages from the Governor;

(d) messages from the Senate;

(e) every motion, the name of the representative presenting it, and its disposition;

(f) the introduction of legislation in the House;

(g) consideration of legislation subsequent to introduction;

(h) on final passage of legislation, the names of the representatives and their vote on the question (Montana Constitution, Art. V, Sec. 11);

(i) roll call votes; and

(j) upon a request by two representatives before a vote is taken, the names of the representatives and their votes on the question.

(3) The Chief Clerk shall provide to the Legislative Services Division such information as may be required for the publication of the daily journal.

(4) Any representative may examine the daily journal and propose corrections. The Speaker may direct a correction to be made when suggested subject to objection by the House.

(5) The Speaker shall authenticate the House journal after the close of the session (section 5-11-201, MCA).

(6) The Legislative Services Division shall publish and distribute the House journal (sections 5-11-202 and 5-11-203, MCA). The title of each bill must be listed in the index of the published session journal.

H10-120. Votes recorded and public. Every vote of each representative on each substantive question in the House, in any committee, or in Committee of the Whole must be recorded and made public (Montana Constitution, Art. V, Sec. 11).

H10-130. Duration of legislative day. A legislative day ends either 24 hours after the House convenes for that day or at the time the House convenes for the following legislative day, whichever is earlier.

CHAPTER 2

Decorum

H20-10. Addressing the House — recognition. (1) When a member desires to speak to or address any matter to the House, the member should rise and respectfully address the Speaker or the presiding officer.

(2) The Speaker or presiding officer may ask, "For what purpose does the member rise?" or "For what purpose does the member seek recognition?" and may then decide if recognition is to be granted. There is no appeal from the Speaker's or presiding officer's decision.

H20-20. Questions of order and privilege. (1) The Speaker shall decide all questions of order and privilege, subject to an appeal by any representative seconded by two representatives. The question on appeal is, "Shall the decision of the chairman be sustained?"

(2) Responses to parliamentary inquiries and decisions of recognition may not be appealed.

(3) Questions of order and privilege, in order of precedence, are:

(a) those affecting the collective rights, safety, dignity, and integrity of the House; and

(b) those affecting the rights, reputation, and conduct of individual representatives.

(4) A member may not address the House on a question of privilege between the time:

(a) an undebatable motion is offered and the vote is taken on the motion;

(b) the previous question is ordered and the vote is taken on the proposition included under the previous question; or

(c) a motion to lay on the table is offered and the vote is taken on the motion.

H20-30. Limits on lobbying. Lobbying on the House floor and in the anteroom is prohibited during a daily session, 2 hours before the session, and 2 hours after the session.

H20-40. Admittance to the House floor.(1) The following persons may be admitted to the House floor during a daily session: present and former legislators; legislative employees necessary for the conduct of the session; accredited news staff; and members' spouses and children. The Speaker may allow exceptions to this rule.

(2) Only a member may sit in a member's chair when the House is in session.

H20-50. Dilatory motions or questions. The House has a right to protect itself from dilatory motions or questions used for the purpose of delaying or obstructing business. The presiding officer shall decide if motions (except a call of the House) or questions are dilatory. This decision may be appealed to the House.

H20-60. Opening and order of business. The opening of each legislative day must include an invocation, the pledge of allegiance, and roll call. Following the opening, the order of business of the House is as follows:

- (1) communications and petitions;
- (2) reports of standing committees;
- (3) reports of select committees;
- (4) messages from the Senate;
- (5) messages from the Governor;
- (6) first reading and commitment of bills;
- (7) second reading of bills;
- (8) third reading of bills;
- (9) motions;
- (10) unfinished business;
- (11) special orders of the day; and
- (12) announcement of committee meetings.

H20-70. Lobbying by employees. (1) A legislative employee, intern, or aide of either house is prohibited from lobbying, although a legislative committee may request testimony from a person so restricted.

(2) The Speaker or the Legislative Administration Committee may discipline or discharge any House employee violating this prohibition. The Speaker or the committee may withdraw the privileges of any House aide or intern violating this prohibition.

H20-80. Papers distributed on desks. A paper concerning proposed legislation may not be placed on representatives' desks unless it is authorized by a member and permission has been granted by the Speaker. The Sergeant-at-Arms shall direct its distribution.

H20-90. Violation of rules. (1) If a member, in speaking or otherwise, violates the rules of the House, the Speaker shall, or the majority or minority floor leader may, call the member to order, in which case the member called to order must be seated immediately.

(2) The member called to order may move for an appeal to the House and if the motion is seconded by two members, the matter must be submitted to the House for determination by majority vote. The motion is nondebatable.

(3) If the decision of the House is in favor of the member called to order, the member may proceed. If the decision is against the member, the member may not proceed.

(4) If a member is called to order, the matter may be referred to the Rules Committee by the minority or majority leader. The Committee may recommend to the House that the member be censured or be subject to other action. The House shall act upon the recommendation of the Committee.

CHAPTER 3

Committees

H30-10. House standing committees — appointments. (1) The Speaker shall determine the total number of members and the party division and shall appoint the members to the following standing committees: Agriculture; Appropriations; Business and Labor; Education; Ethics; Federal Relations, Energy, and Telecommunications; Fish, Wildlife, and Parks; Transportation; Human Services; Judiciary; Legislative Administration; Local Government; Natural Resources; Rules; State Administration; and Taxation.

(2) The Speaker shall appoint the chairman, vice chairman, and minority vice chairman of each standing committee while retaining the authority to remove and replace any chairman, vice chairman, or minority vice chairman at any time. The appointment or removal of a minority vice chairman requires the consent of the minority leader. The Speaker shall give notice of each appointment to the Chief Clerk for publication.

(3) The Speaker may, in the Speaker's discretion or as authorized by the House, create and appoint select committees, designating the chairman and vice chairman of the select committee. Select committees may request or receive legislation in the same manner as a standing committee and are subject to the rules of standing committees.

H30-20. Chairman's duties. The principal duties of the chairman of standing or select committees are to:

- (1) preside over meetings of the committee and to put all questions;
- (2) maintain order and decide all questions of order subject to appeal to the committee;
- (3) supervise and direct staff of the committee;
- (4) have the committee secretary keep the official record of the minutes;
- (5) sign reports of the committee and submit them promptly to the Chief Clerk;
- (6) appoint subcommittees to perform on a formal or an informal basis; and
- (7) inform the Speaker of committee activity.

H30-30. Quorum — officers as members. (1) A quorum of a committee is a majority of the members of the committee. A quorum of a committee must be present at a meeting to act officially. A quorum of a committee may transact business, and a majority of the quorum, even though it is a minority of the committee, is sufficient for committee action.

(2) The Speaker, majority leader, and minority leader are ex officio, nonvoting members of all House committees. They may count toward establishing a quorum.

H30-40. Meetings. (1) All meetings of committees must be open to the public at all times, subject always to the power and authority of the chairman to maintain safety, order, and decorum. The date, time, and place of committee meetings must be posted.

(2) A committee or subcommittee may be assembled for:

(a) a public hearing at which testimony is to be heard and at which official action may be taken on bills, resolutions, or other matters;

(b) a formal meeting at which the committees may discuss and take official action on bills, resolutions, or other matters without testimony; or

(c) a work session at which the committee may discuss bills, resolutions, or other matters but take no formal action.

(3) All committees meet at the call of the chairman or upon the request of a majority of the members of the committee directed to and with the approval of the Speaker.

(4) All committees shall provide for and give public notice, reasonably calculated to give actual notice to interested persons, of the time, place, and subject matter of regular and special meetings. All committees are encouraged to provide at least 3 legislative days notice to members of committees and the general public. However, a meeting may be held upon notice appropriate to the circumstances.

(5) A committee may not meet during the time the House is in session without leave of the Speaker. Any member attending such a meeting must be considered excused to attend business of the House subject to a call of the House.

(6) All meetings of committees must be recorded and the minutes must be available to the public within a reasonable time after the meeting. The official record must contain at least the following information:

- (a) the time and place of each meeting of the committee;
- (b) committee members present, excused, or absent;

(c) the names and addresses of persons appearing before the committee, whom each represents, and whether the person is a proponent, opponent, or other witness;

(d) all motions and their disposition;

(e) the results of all votes;

(f) references to the recording log, sufficient to serve as an index to the original recording; and

(g) testimony and exhibits submitted in writing.

H30-50. Procedures. (1) The chairman shall notify the sponsor of any bill pending before the committee of the time and place it will be considered.

(2) A standing or select committee may not take up referred legislation unless the sponsor or one of the cosponsors is present or unless the sponsor has given written consent.

(3) The committee shall act on each bill in its possession:

(a) by reporting the bill out of the committee:

(i) with the recommendation that it be referred to another committee;

(ii) favorably as to passage; or

(iii) unfavorably; or

(b) by tabling the measure in committee.

(4) The committee may not report a bill to the House without recommendation.

(5) The committee may recommend that a bill on which it has made a favorable recommendation by unanimous vote be placed on the consent calendar.

(6) In reporting a measure out of committee, a committee shall include in its report:

(a) the measure in the form reported out;

(b) the recommendation of the committee;

(c) an identification of all substantive changes; and

(d) a fiscal note, if required.

(7) If a measure is withdrawn from a committee and brought to the House floor for debate on second reading on that day without a committee recommendation, the bill does not include amendments formally adopted by the committee.

(8) A second to any motion offered in a committee is not required in order for the motion to be considered by the committee.

(9) The vote of each member on all committee actions must be recorded. All motions may be adopted only on the affirmative vote of a majority of the members voting.

(10) A motion to take a bill from the table may be adopted by the affirmative vote of a majority of the members present at any meeting of the committee.

(11) An action formally taken by a committee may not be altered in the committee except by reconsideration and further formal action of the committee.

(12) A committee may reconsider any action as long as the matter remains in the possession of the committee. A committee member need not have voted with the prevailing side in order to move reconsideration.

(13) Any legislation requested by a committee requires three-fourths of all members of the committee to vote in favor of the question to allow the committee to request the drafting or introduction of legislation. Votes requesting drafting and introduction of committee legislation may be taken jointly or separately.

(14) The chairman shall decide points of order.

(15) The privileges of committee members include the following:

(a) to participate freely in committee discussions and debate;

(b) to offer motions;

(c) to assert points of order and privilege;

(d) to question witnesses upon recognition by the chairman;

(e) to offer any amendment to any bill; and

(f) to vote, either by being present or by proxy, using a standard form or through the vice chairman or minority vice chairman.

(16) Any meeting of a committee held through the use of telephone or other electronic communication must be conducted in accordance with Chapter 3 of the House Rules.

(17) A committee may consolidate into one bill any two or more related bills referred to it whenever legislation may be simplified by the consolidation.

(18) Committee procedure must be informal, but when any questions arise on committee procedure, the rules or practices of the House are applicable except as stated in the House Rules.

H30-60. Public testimony. (1) Testimony from proponents, opponents, and informational witnesses must be allowed on every bill or resolution before a standing or select committee. All persons, other than the sponsor, offering testimony shall complete a "Witness Form" and submit it to the committee secretary.

(2) Any person wishing to offer testimony to a committee hearing a bill or resolution must be given a reasonable opportunity to do so, orally or in writing. Written testimony may not be required of any witness, but all witnesses must be encouraged to submit a statement in writing for the committee's official record.

(3) The chairman may order the committee room cleared of visitors if there is disorderly conduct. During committee meetings, visitors may not speak unless called upon by the chairman. Restrictions on time available for testimony may be announced.

(4) The number of people in a committee room may not exceed the maximum posted by the State Fire Marshall. The chairman shall maintain that limit.

(5) In any committee meeting, the use of cameras, television, radio, or any form of telecommunication equipment is allowed, but the chairman may designate the areas of the hearing room from which the equipment must be operated.

CHAPTER 4**Legislation**

H40-10. Introduction deadlines. (1) Except as provided in subsection (2), if a representative accepts drafted legislation from the Legislative Services Division after the deadline for introduction, the representative may not introduce that legislation after 48 hours from the time the bill was accepted from the Legislative Services Division.

(2) No bill or resolution may be introduced any later than 5 p.m. 5 legislative days prior to the appropriate transmittal deadline.

H40-20. House resolutions. (1) A House resolution is used to adopt or amend House rules, make recommendations on the districting and apportionment plan (Montana Constitution, Art. V, Sec. 14), express the sentiment of the House, or assist House operations.

(2) As to drafting, introduction, and referral, a House resolution is treated as a bill. A House resolution may be requested and introduced at any time. Final passage of a House resolution is determined by the Committee of the Whole report. A House resolution does not progress to third reading.

(3) The Chief Clerk shall transmit a copy of each passed House resolution to the Senate and the Secretary of State.

H40-30. Cosponsors. (1) Prior to submitting legislation to the Chief Clerk for introduction, the chief sponsor may add representatives and senators as cosponsors by having them sign the legislation.

(2) After legislation is submitted for introduction but before the legislation returns from the first House committee, the chief sponsor may add or remove cosponsors by filing a cosponsor form with the Chief Clerk. This filing must be noted by the Chief Clerk for the record on Order of Business No. 11.

H40-40. Introduction — receipt. (1) During a session, proposed House legislation may be introduced in the House by submitting it, endorsed with the signature of a representative as chief sponsor, to the Chief Clerk for introduction. In each session of the Legislature, the proposed legislation must be numbered consecutively by type in the order of receipt. Submission and numbering of properly endorsed legislation constitutes introduction.

(2) Preintroduction of legislation prior to a session under provisions of the joint rules constitutes introduction in the House.

(3) Acknowledgment by the Chief Clerk of receipt of legislation or other matters transmitted from the Senate for consideration by the House constitutes introduction of the Senate legislation in the House or receipt by the House for purposes of applying time limits contained in the House rules. All legislation may be referred to a committee prior to being read across the rostrum as provided in H40-50.

(4) Acknowledgment by the Chief Clerk of receipt of messages from the Senate or other elected officials constitutes receipt by the House for purposes of any applicable time limit. Senate legislation or messages received from the Senate or elected officials are subject to all other rules.

H40-50. First reading. Legislation properly introduced or received in the House must be announced across the rostrum and public notice provided. This announcement constitutes first reading, and no debate or motion is in order except that a representative may question adherence to rules. Acknowledgment

by the Chief Clerk of receipt of legislation transmitted from the Senate commences the time limit for consideration of the legislation. All legislation received by the House may be referred to a committee prior to being read across the rostrum.

H40-60. One reading per day. Except on the final legislative day, legislation may receive no more than one reading per legislative day. On the final legislative day, legislation may receive more than one reading.

H40-70. Referral. (1) The Speaker shall refer to a House committee all properly introduced House legislation and transmitted Senate legislation.

(2) Legislation may not receive final passage and approval unless it has been referred to a House committee.

H40-80. Rereferral. (1) Except as provided in subsection (2), legislation that is in the possession of the House and that has not been finally disposed of may be rereferred to a House committee by House motion approved by not less than three-fifths of the members present and voting.

(2) Legislation that is in the possession of the House and that has been reported from a committee with a do pass or be concurred in recommendation may be rereferred to a House committee by a majority vote.

H40-90. Legislation withdrawn from committee. Legislation may be withdrawn from a House committee by House motion approved by not less than three-fifths of the members present and voting.

H40-100. Standing committee reports. (1) A House standing committee recommendation of "do pass" or "be concurred in" must be announced across the rostrum and, if there is no objection to form, is considered adopted.

(2) A recommendation of "do not pass" or "be not concurred in" must be announced across the rostrum and, on the following legislative day, may be debated and adopted or rejected on Order of Business No. 2. A motion to reject an adverse committee report must be approved by not less than three-fifths of the members voting. Failure to adopt a motion to reject an adverse committee report constitutes adoption of the report.

(3) If the House rejects an adverse committee report, the bill progresses to second reading, as scheduled by the Speaker, with any amendments recommended by the committee.

H40-110. Consent calendar procedure. (1) Noncontroversial bills and simple and joint resolutions may be recommended for the consent calendar by a standing committee and processed according to the following provisions:

(a) To be eligible for the consent calendar, the legislation must receive a unanimous vote by the members of the standing committee in attendance (do pass, do pass as amended). In addition, a motion must be made and passed unanimously to place the legislation on the consent calendar and this action reflected in the committee report. Appropriation or revenue bills may not be recommended for the consent calendar.

(b) The legislation must then be sent to be processed and reproduced as a third reading version and specifically marked as a "consent calendar" item.

(2) Other legislation may be placed on the consent calendar by agreement between the Speaker and the minority leader following a positive recommendation by a standing committee. The legislation must be sent to be

processed as a second reading version but must be specifically announced and posted as a "consent calendar" item.

(3) Legislation must be posted immediately (as soon as it is received appropriately printed) on the consent calendar and must remain there for 1 legislative day before consideration under Order of Business No. 11, special orders of the day. At that time, the presiding officer shall announce consideration of the consent calendar and allow "reasonable time" for questions and answers upon request. No debate is allowed.

(4) If any one representative submits a written objection to the placement of legislation on the consent calendar, the legislation must be removed from the consent calendar and added to the regular second reading board.

(5) Consent calendar legislation will be considered on Order of Business No. 8, third reading of bills, following the regular third reading agenda, as separately noted on the agenda.

(6) Legislation on the consent calendar must be considered individually with the roll call vote spread on the journal as the final vote in the House.

(7) Legislation passed on the consent calendar must then be transmitted to the Senate. Legislation must be appropriately printed prior to transmittal.

H40-120. Legislation requiring other than a majority vote. Legislation that requires other than a majority vote for final passage needs only a majority vote for any action that is taken prior to third reading and that normally requires a majority vote.

H40-130. Amending House second and third reading agendas. (1) A majority of representatives present may rearrange or remove legislation from either the second or third reading agenda on that legislative day.

(2) Legislation may be added to the second or third reading agenda on that legislative day on a motion approved by not less than three-fifths of the members present and voting.

H40-140. Second reading. (1) Legislation returned from committee may be placed on second reading unless otherwise ordered by the House.

(2) The House shall form itself into a Committee of the Whole to consider business on second reading. The Committee of the Whole may debate legislation, attach amendments, and recommend approval or disapproval of legislation.

(3) Except on the final legislative day, at least 1 legislative day must elapse between the time legislation is reported from committee and the time it is considered on second reading.

(4) If a motion to recommend that a bill "do pass" or "be concurred in" fails in the Committee of the Whole, the obverse, i.e., a recommendation that the bill "do not pass" or "be not concurred in", is considered to have passed. If a motion to recommend that a bill "do not pass" or "be not concurred in" fails in the Committee of the Whole, the obverse, i.e., a recommendation that the bill "do pass" or "be concurred in", is considered to have passed.

(5) An amendment attached to legislation by the Committee of the Whole remains unless removed by further legislative action.

(6) When the Committee of the Whole reports to the House, the House shall adopt or reject the Committee of the Whole report. If the House rejects the

Committee of the Whole report, the legislation remains on second reading, as amended by the Committee of the Whole, unless the House orders otherwise.

(7) A representative may move to segregate legislation from the Committee of the Whole report before the report is adopted. Segregated legislation, as amended by the Committee of the Whole, must be placed on second reading unless the House orders otherwise. Amendments adopted by the Committee of the Whole on segregated legislation remain adopted unless reconsidered or unless the legislation is rereferred to a committee.

H40-150. Amendments in the Committee of the Whole. (1) All Committee of the Whole amendments must be checked by the House amendments coordinator for format, style, clarity, consistency, and other factors, in accordance with the most recent Bill Drafting Manual published by the Legislative Services Division, before the amendment may be accepted at the rostrum. The amendment form must include the date and time the amendment is submitted for that check.

(2) An amendment submitted to the rostrum for consideration by the Committee of the Whole must be marked as checked by the amendments coordinator and signed by a representative. Unless the majority leader, the minority leader, and sponsor agree, amendments must be printed and placed on the members' desks prior to consideration.

(3) An amendment may not be proposed until the sponsor has opened on a bill.

(4) A copy of every amendment rejected by the Committee of the Whole must be kept as part of the official records.

(5) An amendment may not change the original purpose of the bill.

H40-160. Motions in the Committee of the Whole. (1) When the House resolves itself into a Committee of the Whole, the only motions in order are to:

(a) amend;

(b) recommend passage or nonpassage;

(c) recommend concurrence or nonconcurrence;

(d) reconsider;

(e) pass consideration;

(f) call for cloture;

(g) rise, rise and report, or rise and report progress and beg leave to sit again; and

(h) to change the order in which legislation is placed on the agenda.

(2) Subsections (1)(d) through (1)(g) are nondebateable but may be amended. Once a motion under subsection (1)(b) or (1)(c) is made, a contrary motion is not in order.

(3) If a quorum of representatives is not present during second reading, the Committee of the Whole may conduct no business on legislation and a motion for a call of the House without a quorum is in order.

H40-170. Limits on debate in the Committee of the Whole. (1) A representative may not speak more than once on the motion and may speak for no more than 5 minutes. The representative who makes the motion may speak a second time for 5 minutes in order to close.

(2) After at least two proponents and two opponents have spoken on a question and 30 minutes have elapsed, a motion to call for cloture is in order. Approval by not less than two-thirds of the members present and voting is required to sustain a motion for cloture. Notwithstanding the passage of a motion to end debate, the sponsor of the motion on which debate was ended may close.

(3) By previous agreement of the majority leader and the minority floor leader:

(a) a lead proponent and a lead opponent may be granted additional time to speak on a bill;

(b) a bill or resolution may be allocated a predetermined amount of time for debate and number of speakers.

H40-180. Special provisions for debate on the general appropriations bill. (1) The Appropriations Committee chairman, in presenting the bill, is not subject to the 5-minute speaking limitation.

(2) Each appropriations subcommittee chairman shall fully present the chairman's portion of the bill. A subcommittee chairman is not subject to the 5-minute speaking limitation.

(3) After the presentation by the subcommittee chairman, the respective section of the bill is open for debate, questions, and amendments. A proposed amendment to the general appropriations act may not be divided.

(4) An amendment that affects more than one section of the bill must be offered when the first section affected is considered.

(5) Following completion of the debate on each section, that section is closed and may not be reopened except by majority vote.

(6) If a member moves to reopen a section for amendment, only the amendment of that member may be entertained. Another member wishing to amend the same section shall make a separate motion to reopen the section.

(7) Debate on the motion to reopen a section is limited to the question of reopening the section. The amendment itself may not be debated at that time. This limitation does not prohibit the member from explaining the amendment to be considered.

(8) A motion for cloture is not in order during debate on the general appropriations bill.

H40-190. Engrossing. (1) After legislation is passed on second reading, it must be engrossed within 48 hours under the direction of the Speaker. The Speaker may grant additional time for engrossing.

(2) When the legislation that has passed second reading, as amended, has been correctly engrossed, it may be placed on third reading on the following legislative day. If the bill is not amended, the bill must be sent to printing. On the final legislative day, the correctly engrossed legislation may be placed on third reading on the same legislative day. For the purposes of this rule, "engrossing" means placing amendments in a bill.

H40-200. Third reading. (1) All bills, joint resolutions, and Senate amendments to House bills and resolutions passing second reading must be placed on third reading the day following the receipt of the engrossing or other appropriate printing report.

(2) Legislation on third reading may not be amended or debated.

(3) The Speaker shall state the question on legislation on third reading. If a majority of the representatives voting does not approve the legislation, it fails to pass third reading.

H40-210. Senate legislation in the House. Senate legislation properly transmitted to the House must be treated as House legislation.

H40-220. Senate amendments to House legislation. (1) When the Senate has properly returned House legislation with Senate amendments, the House shall announce the amendments on Order of Business No. 4, and the Speaker shall place them on second reading for debate. The Speaker may rerefer House legislation with Senate amendments to a committee for a hearing if the Senate amendments constitute a significant change in the House legislation. The second reading vote is limited to consideration of the Senate amendments.

(2) If the House accepts Senate amendments, the House shall place the final form of the legislation on third reading to determine if the legislation, as amended, is passed or if the required vote is obtained.

(3) If the House rejects the Senate amendments, the House may request the Senate to recede from its amendments or may direct appointment of a conference committee and request the Senate to appoint a like committee.

H40-230. Conference committee reports. (1) When a House conference committee files a report, the report must be announced under Order of Business No. 3.

(2) The House may debate and adopt or reject the conference committee report on second reading on any legislative day. The House may reconsider its action in rejecting a conference committee report under rules for reconsideration, H50-160.

(3) If both the House and the Senate adopt the same conference committee report on legislation requiring more than a majority vote for final passage, the House, following approval of the conference committee report on third reading, shall place the final form of the legislation on third reading to determine if the required vote is obtained.

(4) If the House rejects a conference committee report, the committee continues to exist unless dissolved by the Speaker or by motion. The committee may file a subsequent report.

(5) A House conference committee may confer regarding matters assigned to it with any Senate conference committee with like jurisdiction and submit recommendations for consideration of the House.

H40-240. Enrolling. (1) When House legislation has passed both houses, it must be enrolled within 48 hours under the direction of the Speaker. The Speaker may grant additional time for enrolling.

(2) The chief sponsor of the legislation shall examine the enrolled legislation and, if it has no enrolling errors, shall, within 1 legislative day, certify the legislation as correctly enrolled.

(3) The correctly enrolled legislation must be delivered to the Speaker, who shall sign the legislation.

(4) After the legislation has been reported correctly enrolled but before it is signed, any representative may examine the legislation.

H40-250. Governor's amendments. (1) When the Governor returns a bill with recommended amendments, the House shall announce the amendments under Order of Business No. 5.

(2) The House may debate and adopt or reject the Governor's recommended amendments on second reading on any legislative day.

(3) If both the House and the Senate accept the Governor's recommended amendments on a bill that requires more than a majority vote for final passage, the House shall place the final form of the legislation on third reading to determine if the required vote is obtained.

H40-260. Governor's veto. (1) When the Governor returns a bill with a veto, the House shall announce the veto under Order of Business No. 5.

(2) On any legislative day, a representative may move to override the Governor's veto by a two-thirds vote under Order of Business No. 9.

CHAPTER 5

Floor Actions

H50-10. Attendance. (1) A representative, unless excused, is required to be present at every sitting of the House.

(2) A representative may request in writing to be excused for a specified cause by the representative's party leader. This excused absence is not a leave with cause from a call of the House.

H50-20. Quorum. (1) A quorum of the House is fifty-one representatives (Montana Constitution, Art. V, Sec. 10).

(2) Any representative may question the lack of a quorum at any time a vote is not being taken. The question is nondebateable, may not be amended, and is resolved by a roll call.

(3) The House may conduct no business without a quorum, except that representatives present may convene, compel the attendance of absent representatives, or adjourn.

H50-30. Call of the House without a quorum. (1) In the absence of a quorum, a majority of the representatives present may compel the attendance of absent representatives through a call of the House without a quorum. The motion for the call is nondebateable, may not be amended, and is in order at any time it has been established that a quorum is not present.

(2) During a call of the House, all business is suspended. No motion is in order except a motion to adjourn or to remove the call.

(3) When a quorum has been achieved under the call, the call is automatically lifted. The call may also be lifted by adjournment or by two-thirds of the representatives present and voting.

H50-40. Call of the House with a quorum. (1) If a quorum is present but at least one representative is excused or absent, one-third of the representatives present and voting may order a call of the House with a quorum.

(2) The motion for a call is nondebateable, may not be amended, and is in order at any time a vote is not being taken, except that a call of the House with a quorum is not allowed in the Committee of the Whole.

(3) During a call of the House, all business is suspended. No motion is in order except a motion to adjourn or to remove the call.

(4) When all representatives are present, except those on leave with cause, the call is automatically lifted. The call may also be lifted by adjournment or by two-thirds of the representatives present and voting.

H50-50. Leave with cause. (1) During a call of the House, a representative with an overriding medical or personal reason may request a leave with cause.

(2) If the representative is present at the time of the call, the Speaker may approve a request for a leave with cause.

(3) If the representative is not present at the time of the call, two-thirds of the representatives present and voting may approve a request for leave with cause.

(4) During a call of the House, a representative on leave with cause may not cast an absentee vote.

H50-60. Motions. (1) Any representative may propose a motion allowed by the rules for the order of business under which the motion is offered for the consideration of the House. Unless otherwise specified in rule or law, a majority of representatives voting is necessary and sufficient to decide a motion.

(2) Seconds to motions on the House floor are not required.

(3) Absentee votes are not allowed on votes that are specified as "representatives present and voting".

H50-70. Limits on debate of debatable motions. (1) Except for the representative who places a debatable motion before the body, no representative may speak more than once on the question unless a unanimous House consents. The representative who places the motion may close.

(2) No representative may speak for more than 10 minutes on the same question, except that a representative may have 5 minutes to close.

H50-80. Nondebatable motions. (1) A representative has the right to understand any question before the House and, usually under the administration of the presiding officer, may ask questions to exercise this right.

(2) The following motions are nondebatable:

(a) to adjourn;

(b) for a call of the House;

(c) to recess or rise;

(d) for parliamentary inquiry;

(e) to table or take from the table;

(f) to call for the previous question or cloture;

(g) to amend a nondebatable motion;

(h) to divide a question;

(i) to postpone consideration to a day certain;

(j) to suspend the rules;

(k) all incidental motions, such as motions relating to voting or of a general procedural nature; and

(l) to appeal a call to order.

H50-90. Questions. A representative may, through the presiding officer, ask questions of another representative during a floor session. There is no limit on questions and answers, except as provided in H20-50.

H50-100. Amending motions — limitations. (1) A representative may move to amend the specific provisions of a motion without changing its substance.

(2) No more than one motion to amend a motion is in order at any one time.

(3) A motion for a call of the House, for the previous question, to table, or to take from the table may not be amended.

H50-110. Substitute motions. (1) When a question is before the House, no substitute motion may be made except the following, which have precedence in the order listed:

- (a) to adjourn;
- (b) for a call of the House;
- (c) to recess or rise;
- (d) for a question of privilege;
- (e) to table;
- (f) to call for the previous question or cloture;
- (g) to postpone consideration to a day certain;
- (h) to refer to a committee; and
- (i) to propose amendments.

(2) Nothing in this section allows a motion that would not otherwise be allowed under a particular order of business.

(3) (a) Except as provided in subsection (3)(b), no more than one substitute motion is in order at any one time.

(b) A motion for cloture is in order on a substitute motion to amend.

H50-120. Withdrawing motions. A representative who proposes a motion may withdraw it before it is voted on or amended.

H50-130. Dividing a question. Except as provided in H40-180, a representative may request to divide a question as a matter of right if it includes two or more propositions so distinct that they can be separated and if at least one substantive question remains after one substantive question is removed.

H50-140. Previous question. (1) If a majority of representatives present and voting adopts a motion for the previous question, debate is closed on the question and it must be brought to a vote. The Speaker may not entertain a motion to end debate unless at least one proponent and one opponent have spoken on the question.

(2) Notwithstanding the passage of a motion to end debate, the sponsor of the motion on which debate was ended may close.

H50-150. Questions requiring other than a majority vote. The following questions require the vote specified for each condition:

100 House Members

(1) a motion to approve a bill to appropriate the principal of the tobacco settlement trust fund (two-thirds);

(2) a motion to approve a bill to appropriate the principal of the coal severance tax trust fund (three-fourths);

(3) a motion to approve a bill to appropriate highway revenue, as described in Article VIII, section 6, of the Montana Constitution, for purposes other than therein described (three-fifths);

(4) a motion to approve a bill to authorize creation of state debt (two-thirds);

(5) a motion to temporarily suspend a joint rule governing the procedure for handling bills (two-thirds).

Members Present and Voting

(1) a motion to override the Governor's veto (two-thirds);

(2) a call of the House with a quorum (one-third);

(3) a motion to lift a call of the House (two-thirds);

(4) a motion to rerefer a bill from one committee to another pursuant to Rule 40-80(1) (three-fifths);

(5) a motion to withdraw a bill from a committee (three-fifths);

(6) a motion to add legislation to the second or third reading agenda (three-fifths);

(7) a motion to remove legislation from its normal progress through the House as provided under these rules and reassign it unless otherwise specifically provided by these rules (three-fifths);

(8) a motion to change a vote (unanimous);

(9) a motion to call for cloture (two-thirds);

(10) a motion to take from the table in Committee of the Whole (three-fifths).

Members Voting

(1) a motion to amend or suspend rules (two-thirds);

(2) a motion to overturn an adverse committee report (three-fifths);

(3) a motion to record a vote (one representative);

(4) a motion to spread a vote on the journal (two representatives);

(5) an appeal of the ruling of the presiding officer (three representatives);

(6) a motion to speak more than once on a debatable motion (unanimous vote);

(7) a motion to appeal the presiding officer's interpretation of the rules to the House Rules Committee (15 representatives).

Entire Legislature

(1) a motion to approve a bill proposing to amend the Montana Constitution (two-thirds of the entire Legislature).

H50-160. Reconsideration. (1) Any representative may, within 1 legislative day of a vote, move to reconsider the House vote on any matter still within the control of the House.

(2) A motion for reconsideration, unless tabled or replaced by a substitute motion, must be disposed of when made.

(3) When a motion for reconsideration fails, the question is finally settled. A motion for reconsideration may not be renewed or reconsidered.

(4) A motion to recall legislation from the Senate constitutes a motion to reconsider and is subject to the same rules.

(5) A motion for reconsideration is not in order on a vote to postpone to a day certain or to table legislation.

(6) There may be only one reconsideration vote on a specific issue on a legislative day.

H50-170. Renewing procedural motions. The House may renew a procedural motion if further House business has intervened.

H50-180. Tabling. (1) Under Order of Business No. 9, a representative may move to table any question, motion, or legislation before the House except the question of a quorum or a call of the House. The motion is nondebatable and may not be amended.

(2) When a matter has been tabled, a representative may move to take it from the table under Order of Business No. 9 on any legislative day.

H50-190. Voting. (1) The representatives shall vote to decide any motion or question properly before the House. Each representative has one vote.

(2) The House may, without objection, use a voice vote on procedural motions that are not required to be recorded in the journal. If a representative rises and objects, the House shall record the vote.

(3) The House shall record the vote on all substantive questions. If the voting system is inoperable, the Chief Clerk shall record the representatives' votes by other means.

(4) A member who is present shall vote unless the member has disclosed a conflict of interest to the House.

H50-200. Changing a vote. (1) A representative may move to change the representative's vote within 1 legislative day of the vote. The motion is nondebatable. The motion must be made on Order of Business No. 9, motions. All of the members present and voting are required to consent to the change in order for it to be effective.

(2) The representative making the motion shall first specify the bill number, the question, and the original vote tally. A vote may not be changed if it would affect the outcome of legislation.

(3) A vote change must be entered into the journal as a notation that the member's vote was changed. The original printed vote will not be reprinted to reflect the change.

(4) An error caused by a malfunction of the voting system may be corrected without a vote.

H50-210. Absentee votes. (1) An excused representative may file an absentee vote authorization form to vote during the excused absence on any vote for which absentee voting is allowed.

(2) An excused representative shall sign an absentee vote authorization form that specifies the motion and the desired vote.

(3) The absentee vote authorization form must be handed in at the rostrum by the party whip or designated representative before voting on the motion has commenced.

(4) The absentee vote authorization may be revoked before the vote by the member who signed the authorization.

(5) Absentee voting is not allowed on third reading.

H50-220. Recess. The House may stand at ease or recess under any order of business by order of the Speaker or a majority vote. The recess may be ended at the call of the chair or at a time specified.

H50-230. Adjournment for a legislative day. (1) A representative may move that the House adjourn for that legislative day. The motion is nondebatable and may be made under any order of business except Order of Business No. 7.

(2) A motion to adjourn for a legislative day must specify a date and time for the House to convene on the subsequent legislative day.

H50-240. Adjournment sine die. A representative may move that the House adjourn for the session. The motion is nondebatable and may be made under any order of business except Order of Business No. 7.

CHAPTER 6

Motions

H60-10. Proposal for consideration. (1) Every question presented to the House or a committee must be submitted as a definite proposition.

(2) A representative has the right to understand any question before the House and, under the authority of the presiding officer, may ask questions to exercise this right.

H60-20. Nondebatable motions. The following motions, in addition to any other motion specifically designated, must be decided without debate:

- (1) to adjourn;
- (2) for a call of the House;
- (3) to recess or rise;
- (4) for parliamentary inquiry;
- (5) to table or to take from the table;
- (6) to call for the previous question or for cloture;
- (7) to amend a nondebatable motion;
- (8) to divide a question;
- (9) to postpone consideration to a day certain;
- (10) to suspend the rules; and

(11) all incidental motions, such as motions relating to voting or of a general procedural nature.

H60-30. Motions allowed during debate. (1) When a question is under debate, only the following motions are in order. The motions have precedence in the following order:

- (a) to adjourn;
- (b) for a call of the House;
- (c) to recess or rise;
- (d) for a question of privilege;
- (e) to table or take from the table;

- (f) to call for the previous question or cloture;
- (g) to postpone consideration to a day certain;
- (h) to refer or rerefer; and
- (i) to propose amendments.

(2) This section does not allow a motion that would not otherwise be allowed under a particular order of business.

- (3) Only one substitute motion is in order at any time.

H60-40. Motions to adjourn or recess. (1) A motion to adjourn or recess is always in order, except:

- (a) when the House is voting on another motion;
- (b) when the previous question has been ordered and before the final vote;
- (c) when a member entitled to the floor has not yielded for that purpose; or
- (d) when business has not been transacted after the defeat of a motion to adjourn or recess.

(2) The vote by which a motion to adjourn or recess is carried or fails is not subject to a motion to reconsider.

H60-50. Motion to table. (1) A motion to table, if carried, has the effect of postponing action on the proposition to which it was applied until superseded by a motion to take from the table.

(2) The vote by which a motion to table is carried or fails cannot be reconsidered.

(3) A motion to table is not in order after the previous question has been ordered.

H60-60. Motion to postpone. A motion to postpone to a day certain may be amended and is debatable within narrow limits. The merits of the proposition that is the subject of the motion to postpone may not be debated.

H60-70. Motion to refer. When a motion is made to refer a subject to a standing committee or select committee, the question on the referral to a standing committee must be put first.

H60-80. Terms of debate on motion to refer or rerefer. (1) A motion to refer or rerefer is debatable within narrow limits. The merits of the proposition that is the subject of the motion may not be debated.

- (2) A motion to refer or rerefer with instructions is fully debatable.

H60-100. Moving the previous question after a motion to table. (1) If a motion to table is made directly to a main motion, a motion for the previous question is not in order.

(2) If an amendment to a main motion is pending and a motion to table is made, the previous question may be called on the main motion, the pending amendment, and the motion to table the amendment.

H60-110. Standard motions. The following are standard motions:

(1) moving House bills or resolutions on second reading, "Mister/Madam Chairman, I move that when this committee does rise and report after having under consideration House Bill ___, that it recommend the same (do pass)/(do not pass as amended)/(do not pass)."

(2) moving Senate bills and Senate amendments to House bills, “Mister/Madam Chairman, I move that when this committee does rise and report after having under consideration Senate Bill ___/Senate amendments to House Bill ___, that it recommend the same (be concurred in)/(be not concurred in).”

(3) Committee of the Whole floor amendments, “Mister/Madam Chairman, I move that House Bill ___/Senate Bill ___ be amended and request that the amendment be posted and deemed read.”

(4) introducing visitors, “Mister/Madam Speaker/Chairman, I request that we be off the record and out of the journal.”

(5) changing a vote, “Mister Speaker, I would like my vote changed on House Bill ___/Senate Bill ___ from (yes/no) to (yes/no). The question on the bill was () with a vote tally of ___ for and ___ against.”

(6) question another representative, “Mister/Madam Speaker/Chairman, would Representative ___ yield to a question?”

CHAPTER 7

Rules

H70-10. House rules. (1) The House may adopt, through a House resolution passed by a majority of its members, rules to govern its proceedings.

(2) After adoption of the House rules, two-thirds of the representatives voting must vote in favor of the question to amend the rules.

(3) The Speaker shall refer to the House Rules Committee all resolutions for House rules.

(4) The House Rules Committee shall report all resolutions for House rules within 1 legislative day of referral.

H70-20. Tenure of rules. Rules adopted by the House remain in effect until removed by House resolution or until a new House is elected and takes office.

H70-30. Suspension of rules. The House may suspend a House rule on a motion approved by not less than two-thirds of the members voting.

H70-40. Supplementary rules. Mason's Manual of Legislative Procedure (2000) governs House proceedings in all cases not covered by House rules.

H70-50. Interpreting rules. The Speaker shall interpret all questions on House rules, subject to appeal by any 15 representatives to the House Rules Committee. Unless the delay would cause legislation to fail to meet a scheduled deadline, the House Rules Committee may consider and report on the appeal on the next legislative day. The decision of the House Rules Committee may be appealed to the House by any representative.

H70-60. Joint rules superseded. A House rule, insofar as it relates to the internal proceedings of the House, supersedes a joint rule.

Adopted January 9, 2003

HOUSE RESOLUTION NO. 2

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA RECOGNIZING THE DISTINGUISHED SERVICE OF UNITED STATES SEAGOING MARINES AND THE NAVAL CRUISE SHIP,

USS HELENA, AND DESIGNATING NOVEMBER 2003 AS UNITED STATES SEAGOING MARINES MONTH.

WHEREAS, seagoing marines have served aboard ships of the United States Navy from 1775 to 1998; and

WHEREAS, for 223 years, the seagoing marines participated in every naval campaign and battle to safeguard the freedom and liberty that all Montanans expect and enjoy today; and

WHEREAS, the USS Helena CL-50 was at Pearl Harbor on December 7, 1941, when the Japanese attacked and, because the ship was in the berth normally assigned to the Pennsylvania, became a prime target, but the ship survived the attack and later gave the Japanese occasion to regret their failure to destroy it; and

WHEREAS, in 1942, the USS Helena entered action in Guadalcanal, where the long and bloody battle for the island was then beginning, and on September 15, 1942, with guns blazing, the USS Helena rescued nearly 400 of the officers and crew of the Wasp (AV-7); and

WHEREAS, the USS Helena again saw action on October 11, 1942, in the Battle of Cape Esperance in Iron Bottom Sound, protecting vital transports into Guadalcanal during which the USS Helena was the first to engage the enemy and sank the cruiser Furutaka and the destroyer Fubuki; and

WHEREAS, the USS Helena saw action several times during the climactic Naval Battle of Guadalcanal in November 1942, which the USS Helena witnessed from its beginning while escorting a supply echelon from Espiritu Santo to Guadalcanal; and

WHEREAS, the USS Helena was assigned to several bombardments of Japanese positions on New Georgia during January 1943, and the ship's guns rocked the enemy at Munda and Vila Stanmore, leveling vital supply concentrations and gun emplacements; and

WHEREAS, USS Helena's intense and rapid-fire bombardment in support of troop landings during the invasion of New Georgia made the ship a prime target, and it was hit by three Japanese torpedoes, which sank the USS Helena; and

WHEREAS, during the USS Helena's final moments, with the bow protruding from the water, the USS Helena served as a lifeboat to many of the survivors until they were rescued before the USS Helena sank; and

WHEREAS, other armed service personnel from the USS Helena endured many dramatic and harrowing hours and days before being finally rescued, with 168 of the USS Helena's crew of 900 perishing; and

WHEREAS, the USS Helena was the first ship to receive the Navy Unit Commendation for the ship's actions in the Battle of Cape Esperance, Guadalcanal, and in Kula Gulf; and

WHEREAS, the USS Helena also earned the Asiatic-Pacific Area Campaign medal with seven stars; and

WHEREAS, it is fitting and proper that the valiant deeds of the USS Helena and the ship's crew and all seagoing marines and their vessels be recognized and celebrated by the citizens of Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the House of Representatives of the State of Montana recognize the dedicated service of the seagoing marines and, in commemoration of the USS Helena's service during the Naval Battle of Guadalcanal in November of 1942, declare the month of November 2003 as United States Seagoing Marines month.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the United States Seagoing Marine Association.

Adopted February 13, 2003

HOUSE RESOLUTION NO. 3

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REJECTING THE LEGISLATIVE PLAN THAT THE MONTANA DISTRICTING AND APPORTIONMENT COMMISSION SUBMITTED TO THE LEGISLATURE.

WHEREAS, the Montana Districting and Apportionment Commission submitted its legislative redistricting plan to the Legislature on January 6, 2003, as required by Article V, section 14, of the Montana Constitution; and

WHEREAS, the Joint Select Committee on Districting and Apportionment has received and considered testimony on the plan; and

WHEREAS, the House of Representatives contends that the 5% population deviation allowance contained in the plan was used for partisan gain, that the Constitution is clear in language that the districts "shall be as nearly equal in population as is practicable", and that a 1% population deviation, or less, is both practical and possible; and

WHEREAS, the House of Representatives contends that the majority of the Commission ignored the mandatory, constitutional criterion of "compact" districts in creating several House and Senate Districts that are over 200 miles from one end to the other; and

WHEREAS, the House of Representatives contends that the American Indians have been isolated and that other minority groups were ignored when several districts in Montana were established; and

WHEREAS, the House of Representatives contends that race was used as the predominant criterion in tentatively establishing six House Districts and three Senate Districts in blatant violation of the mandatory criterion that race may not be the predominant factor to which the traditional discretionary criteria are subordinated; and

WHEREAS, the Commission failed to adopt a criterion of consideration of existing district lines as the previous Commission had adopted; and

WHEREAS, the Commission has disregarded, in several instances, the discretionary criteria adopted by the Commission on April 18, 2001, by dividing many towns, cities, and counties, while giving little or no regard to keeping communities of interest intact; and

WHEREAS, the arbitrary assignment of holdover Senators to districts that did not elect them is at best wrong, blatantly unethical, and simply unfair to the electors; and

WHEREAS, the Legislature is required to return the plan to the Commission with its recommendations on or before February 5, 2003.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the House of Representatives rejects the Legislative Redistricting Plan for the reasons stated above, requests that the Commission reconvene and adopt a plan that conforms to the mandatory and discretionary criteria as set forth by the 1972 Constitutional Convention and state and federal law, and contends that the majority of the Commission has performed a constitutional injustice to the electorate and the elected legislators of Montana, that the plan has been conceived in a mean-spirited, partisan fashion that disregards the mandatory criteria as set forth by the 1972 Constitutional Convention and the discretionary criteria adopted by the Commission itself, that the Commission's exercise in political gerrymandering is unacceptable to the citizens of the state of Montana, and that the legislative redistricting plan must be redone.

BE IT FURTHER RESOLVED, that copies of the following documents be attached to this resolution:

- (1) the tapes of the hearings of the Joint Select Committee on Districting and Apportionment held on January 20, 21, and 24, 2003;
- (2) written testimony submitted on January 20, 21, and 24, 2003; and
- (3) a minority report from the members of the Joint Select Committee on Districting and Apportionment who support the plan.

BE IT FURTHER RESOLVED, that a copy of this resolution be kept on file by the Secretary of State and that copies be sent by the Secretary of State to the presiding officer and each member of the Montana Districting and Apportionment Commission.

Adopted February 4, 2003

HOUSE RESOLUTION NO. 4

A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA SUPPORTING MONTANA'S ARMED FORCES PERSONNEL IN OPERATION IRAQI FREEDOM.

WHEREAS, more than 1,000 armed forces personnel from the State of Montana are presently in the Persian Gulf region; and

WHEREAS, Montanans in the Persian Gulf region are serving in the Army, Navy, Air Force, Marine Corps, Coast Guard, and National Guard in a wide variety of duty assignments; and

WHEREAS, Montanans have a long and distinguished heritage of service to our nation in times of military conflict; and

WHEREAS, the brave personnel from our state are continuing the Montana tradition of commitment and sacrifice at their duty stations in the Persian Gulf region; and

WHEREAS, those called up to support bases and protect cities here in the United States and in foreign countries are performing essential activities and are replacing troops sent to the Middle East; and

WHEREAS, the families of the service personnel are contributing by keeping the home fires burning.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the Montana Legislature express the deep feeling of all Montanans in this affirmation of support and gratitude to the courageous service personnel from Montana now assigned to the current operation in the Persian Gulf.

(2) That it is the hope of the people of Montana that:

(a) the mission of the forces in the Persian Gulf region be accomplished quickly and that Montanans and other service personnel serving in the current operation will soon return home safely;

(b) long-lasting peace be brought to the nation of Iraq with a minimum loss of life to members of our Armed Forces and to the innocent civilians in the region; and

(c) when making decisions of war and peace in the current operation, our Commander-in-Chief be guided by wisdom and good judgment.

(3) That the Secretary of State send copies of this resolution to the Montana Congressional Delegation and to Montana service personnel informing them that the heartfelt thanks of all Montana are extended to them, that we are proud of them, that they are in our prayers, and that we send them best wishes for a safe return.

Adopted April 12, 2003

Senate Joint Resolutions

SENATE JOINT RESOLUTION NO. 1

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REVISING AND ADOPTING THE JOINT LEGISLATIVE RULES.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the following Joint Rules be adopted:

JOINT RULES OF THE MONTANA SENATE AND HOUSE OF REPRESENTATIVES

CHAPTER 10

Administration

10-10. Time of meeting. Each house may order its time of meeting.

10-20. Legislative day — duration. (1) If either house is in session on a given day, that day constitutes a legislative day.

(2) A legislative day for a house ends either 24 hours after that house convenes for the day or at the time the house convenes for the following legislative day, whichever is earlier.

10-30. Schedules. The presiding officer of each house shall coordinate its schedule to accommodate the workload of the other house.

10-40. Adjournment — recess — meeting place. A house may not, without the consent of the other, adjourn or recess for more than 3 days or to any place other than that in which the two houses are sitting (Montana Constitution, Art. V, Sec. 10(5)).

10-50. Access of press. Subject to the presiding officer's discretion on issues of decorum and order, an accredited press representative may not be prohibited from photographing, televising, or recording a legislative meeting or hearing.

10-60. Conflict of interest. A member who has a personal or private interest in any measure or bill proposed or pending before the Legislature shall disclose the fact to the house to which the member belongs.

10-70. Telephone calls and internet access. (1) Long-distance telephone calls made by a member while the Legislature is in session or while the member is in travel status are considered official legislative business. These include but are not limited to calls made to constituencies, places of business, and family members. A member's access to the internet through a permissible server is a proper use of the state communication system if the use is for legislative business or is within the scope of permissible use of long-distance telephone calls.

(2) Session staff, including aides and interns, may use telephones for long-distance calls only if specifically authorized to do so by their legislative sponsor or supervisor. Sponsoring members and supervisors are accountable

for use of state telephones and internet access by their staff, including aides and interns, and may not authorize others to use state phones or state servers to access the internet.

(3) Permanent staff of the Legislature shall comply with executive branch rules applying to the use of state telephones.

10-80. Joint employees. The presiding officers of each house, acting together, shall:

(1) hire joint employees; and

(2) review a dispute or complaint involving the competency or decorum of a joint employee, and dismiss, suspend, or retain the employee.

10-85. Harassment prohibited. (1) Legislators and legislative employees have the right to work free of harassment on account of race, color, sex, culture, social origin or condition, or religious ideas when performing services in furtherance of legislative responsibilities, whether the offender is an employer, employee, legislator, lobbyist, or member of the public.

(2) A violation of this policy must be reported to the party leader in the appropriate house if the offended party is a legislator or to the presiding officer if the offended party is the party leader. The presiding officer may refer the matter to the rules committee of the applicable house, and the offender is subject to discipline or censure, as appropriate.

(3) If the offended party is an employee, the violation must be reported to the employee's supervisor or, if the offender is the supervisor, the report should be made to the chief clerk of the house of representatives or to the secretary of the senate, as appropriate.

(4) If the offended party is a supervisor, the violation must be reported to the chief clerk of the house of representatives or to the secretary of the senate, as appropriate.

(5) The chief clerk or the secretary shall report the violation to the presiding officer. The presiding officer may refer the matter to the rules committee. If the offender is an employee, the employee is subject to discipline or discharge.

10-90. Legislative interns. Qualifications for legislative interns are specified in Title 5, chapter 6, MCA.

10-100. Legislative Services Division. (1) The staff of the Legislative Services Division shall serve both houses as required.

(2) Staff members shall:

(a) maintain personnel files for legislative employees; and

(b) prepare payrolls for certification and signature by the presiding officer and prepare a monthly financial report.

10-120. Engrossing and enrolling staff — duties. (1) The Legislative Services Division shall provide all engrossing and enrolling staff.

(2) The duties of the engrossing and enrolling staff are:

(a) to engross or enroll any bill or resolution delivered to them within 48 hours after it has been received, unless further time is granted in writing by the presiding officer of the house in which the bill originated; and

(b) to correct clerical errors, absent the objection of the sponsor of a bill, resolution, or amendment and the Secretary of the Senate or the Chief Clerk of the House of Representatives in any bill or amendment originating in the house

by which the Clerk or Secretary is employed. The following kinds of clerical errors may be corrected:

- (i) errors in spelling;
- (ii) errors in numbering sections;
- (iii) additions or deletions of underlining or lines through matter to be stricken;
- (iv) material copied incorrectly from the Montana Code Annotated;
- (v) errors in outlining or in internal references;
- (vi) an error in a title caused by an amendment;
- (vii) an error in a catchline caused by an amendment;
- (viii) errors in references to the Montana Code Annotated; and
- (ix) other nonconformities of an amendment with Bill Drafting Manual form.

(3) The engrossing and enrolling staff shall give notice in writing of the clerical correction to the Secretary of the Senate or the Chief Clerk of the House and to the sponsor of the bill or amendment. The sponsor shall sign the clerical form to acknowledge notification of the clerical correction. The signed form must be filed in the office of the amendments coordinator. A party receiving notice may register an objection to the correction by filing the objection in writing within 24 hours after receipt of the notice.

(4) If a committee is the sponsor of a bill or resolution, any committee member designated by the chair may be the principal sponsor for the purpose of this section. If a committee has proposed an amendment, the chair is the principal sponsor for the purpose of this section.

(5) For the purposes of this rule, "engrossing" means placing amendments in a bill.

10-130. Bills. (1) A bill draft request must be sponsored by a member of the Legislature.

(2) A bill must be:

- (a) printed on paper with numbered lines;
- (b) numbered at the foot of each page (except page 1);
- (c) covered with a cover page of substantial material; and
- (d) introduced.

(3) In a section amending an existing statute, matter to be stricken out must be indicated with a line through the words or part to be deleted, and new matter must be underlined.

(4) Sections of the Montana Code Annotated repealed or amended in a bill must be stated in the title.

(5) Introduced bills must be reproduced on white paper and distributed to members.

(6) An introduced bill may not be withdrawn.

10-140. Voting. (1) A bill may not become a law except by vote of the constitutionally required majority of all the members present and voting in each house (Montana Constitution, Art. V, Sec. 11(1)). On final passage, the vote must be taken by ayes and noes and the names of those voting entered on the journal (Montana Constitution, Art. V, Sec. 11(2)).

(2) Any vote in one house on a bill proposing an amendment to The Constitution of the State of Montana under circumstances in which there exists the mathematical possibility of obtaining the necessary two-thirds vote of the Legislature will cause the bill to progress as though it had received the majority vote.

10-150. Recording and publication of voting. (1) Every vote of each member on each substantive question in the Legislature, in any committee, or in Committee of the Whole must be recorded and made public. On final passage of any bill or joint resolution, the vote must be taken by ayes and noes and the names entered on the journal.

(2) (a) Roll call votes must be taken by ayes and noes and the names entered on the journal on adopting an adverse committee report and on those motions made in Committee of the Whole to:

- (i) amend;
- (ii) recommend passage or nonpassage;
- (iii) recommend concurrence or nonconcurrence; or
- (iv) indefinitely postpone.

(b) The text of all proposed amendments must be recorded.

(3) A roll call vote must be taken on nonsubstantive questions on the request of two members who may, on any vote, request that the ayes and noes be spread upon the journal.

(4) Roll call votes and other votes that are to be made public but are not specifically required to be spread upon the journal must be entered in the minutes of the appropriate committee or of the appropriate house (Montana Constitution, Art. V, Sec. 11(2)). A copy of the minutes must be filed with the Montana Historical Society. If electronically recorded minutes are kept for a committee, a written log conforming to section 2-3-212(2), MCA, must also be kept.

10-160. Journal. Each house shall:

- (1) supply the Legislative Services Division with the contents of the daily journal to be stored on an automated system;
- (2) examine its journal and order correction of any errors; and
- (3) distribute a daily journal to all members.

10-170. Journals — authentication — availability. (1) The journal of the Senate must be authenticated by the signature of the President and the journal of the House of Representatives by the signature of the Speaker.

(2) The Legislative Services Division shall make the completed journals available to the public (sections 5-11-201 through 5-11-203, MCA).

CHAPTER 30

Committees

30-10. Committee chair. Except as provided in Joint Rule 30-50, the chair of the Senate committee is the chair of all joint committees.

30-20. Voting in joint committees. (1) Except for Rules Committees and conference committees, a member of a joint committee votes individually and not by the house to which the committee member belongs.

(2) Because the Rules Committees and conference committees are joint meetings of separate committees, in those committees the committees from each house vote separately. A majority of each committee shall agree before any action may be taken, unless otherwise specified by individual house rules.

30-30. Conference committees. (1) If either house requests a conference and appoints a committee for the purpose of discussing an amendment on which the two houses cannot agree, the other house shall appoint a committee for the same purpose. The time and place of all conference committee meetings must be agreed upon by their chairs and announced from the rostrum. This announcement is in order at any time. Failure to make this announcement does not affect the validity of the legislation being considered.

(2) A conference committee, having conferred, shall report to the respective houses the result of its conference. A conference committee shall confine itself to consideration of the disputed amendment. The committee may recommend:

- (a) acceptance or rejection of each disputed amendment in its entirety; or
- (b) further amendment of the disputed amendment.

(3) If either house requests a free conference committee and the other house concurs, appointments must be made in the same manner as above. A free conference committee may discuss a bill in its entirety and is not confined to a particular amendment.

30-40. Conference committee — enrolling. A conference committee report must give clerical instructions for a corrected reference bill and for enrolling by referring to the reference bill version.

30-50. Committee consideration of appropriation bills. (1) All bills providing for an appropriation of public money may first be considered by a joint committee composed of the members of the Senate Finance and Claims Committee and the House Appropriations Committee, and then by each separately.

(2) Meetings of the joint committee must be held upon call of the chair of the House Appropriations Committee, who is chair of the joint committee.

(3) The committee chair of the Senate Finance and Claims Committee or of the House Appropriations Committee may be a voting member in the joint subcommittees if:

- (a) either house has fewer members on the joint subcommittees;
- (b) the chair represents the house with fewer members on the subcommittees; and
- (c) the chair is present for the vote.

30-60. Estimation of revenue. The Revenue and Transportation Interim Committee shall introduce a House joint resolution for the purpose of estimating revenue that may be available for appropriation by the Legislature.

30-70. Appointment of interim committees. As provided for in section 5-5-211(6), MCA, 50% of interim committees must be selected from the following legislative standing committees:

- (1) Economic Affairs Interim Committee:
 - (a) Senate Agriculture, Livestock, and Irrigation Committee;
 - (b) Senate Business and Labor Committee;
 - (c) Senate Energy and Telecommunications Committee;

- (d) Senate Finance and Claims Committee;
 - (e) House Agriculture Committee;
 - (f) House Business and Labor Committee;
 - (g) House Federal Relations, Energy, and Telecommunications Committee;
- and
- (h) House Appropriations Committee;
 - (2) Education and Local Government Interim Committee:
 - (a) Senate Education and Cultural Resources Committee;
 - (b) Senate Local Government Committee;
 - (c) Senate Finance and Claims Committee;
 - (d) House Education Committee;
 - (e) House Local Government Committee; and
 - (f) House Appropriations Committee;
 - (3) Children, Families, Health, and Human Services Interim Committee:
 - (a) Senate Public Health, Welfare, and Safety Committee;
 - (b) Senate Finance and Claims Committee;
 - (c) House Human Services Committee; and
 - (d) House Appropriations Committee;
 - (4) Law and Justice Interim Committee:
 - (a) Senate Judiciary Committee;
 - (b) Senate Finance and Claims Committee;
 - (c) House Judiciary Committee; and
 - (d) House Appropriations Committee;
 - (5) Revenue and Transportation Interim Committee:
 - (a) Senate Taxation Committee;
 - (b) Senate Highways and Transportation Committee;
 - (c) Senate Finance and Claims Committee;
 - (d) House Taxation Committee;
 - (e) House Transportation Committee; and
 - (f) House Appropriations Committee;
 - (6) State Administration and Veterans' Affairs Interim Committee:
 - (a) Senate State Administration Committee;
 - (b) Senate Finance and Claims Committee;
 - (c) House State Administration Committee; and
 - (d) House Appropriations Committee.

CHAPTER 40**Legislation**

40-10. Amendment to state constitution. A bill must be used to propose an amendment to The Constitution of the State of Montana. The bill is not subject to the veto of the Governor (Montana Constitution, Art. VI, Sec. 10(1)).

40-20. Appropriation bills. (1) All appropriation bills must originate in the House of Representatives.

(2) Appropriation bills for the operation of the Legislature must be introduced by the chair of the House Appropriations Committee.

40-30. Effective dates. (1) Except as provided in subsections (2) through (4), a statute takes effect on October 1 following its passage and approval unless a different time is prescribed in the enacting legislation.

(2) A law appropriating public funds for a public purpose takes effect on July 1 following its passage and approval unless a different time is prescribed in the enacting legislation.

(3) A statute providing for the taxation or imposition of a fee on motor vehicles takes effect on the first day of January following its passage and approval unless a different time is prescribed in the enacting legislation.

(4) A joint resolution takes effect on its passage unless a different time is prescribed therein (sections 1-2-201 and 1-2-202, MCA).

40-40. Bill requests and introduction — limits and procedures.

(1) Prior to a regular session, a person entitled to serve in that session, hereafter referred to as a "member", is entitled to request bill drafting services from the Legislative Services Division, subject to the following limits:

(a) Prior to 5 p.m. on December 5 preceding a regular session of the Legislature, a member may request an unlimited number of bills and resolutions to be prepared by the Legislative Services Division for introduction in the regular session.

(b) After 5 p.m. on December 5, a member may request no more than seven bills or resolutions to be prepared by the Legislative Services Division. At least five of the seven bills or resolutions must be requested before the regular session convenes.

(c) After December 5, a member, in the member's discretion, may grant to any other member any of the remaining bill or resolution requests the granting member has not used. A bill requested by an individual may not be transferred to another legislator but may be introduced by another legislator.

(d) These limitations on bill and resolution requests do not apply to:

(i) Code Commissioner bills;

(ii) a bill or resolution requested by a standing committee; and

(iii) a bill or resolution requested by a member at the request of a newly elected state official if so designated.

(2) The staff of the Legislative Services Division shall work on bill draft requests in the order received. After a member has requested the drafting of five bills, the sixth bill request and all subsequent bill requests of that member must receive a lower drafting priority than all other bills of members not in excess of five per member. The Speaker of the House, the minority leader of the House, the President of the Senate, and the minority leader of the Senate may each

direct the staff of the Legislative Services Division to assign a higher priority to 10 draft requests. The staff of the Legislative Services Division shall assign a higher priority to any bill draft request when jointly directed by:

(a) the President of the Senate, the minority leader of the Senate, the Speaker of the House, and the minority leader of the House; or

(b) the House and the Senate.

(3) Bills and resolutions must be reviewed by the staff of the Legislative Services Division prior to introduction for proper format, style, and legal form. The staff of the Legislative Services Division shall store bills on the automated bill drafting equipment and shall print and deliver them to the requesting members. The original bill cover must be signed to indicate review by the Legislative Services Division. A bill may not be introduced unless it is so signed.

(4) During a session, a bill may be introduced by endorsing it with the name of a member and presenting it to the Chief Clerk of the House of Representatives or the Secretary of the Senate. Bills or joint resolutions may be sponsored jointly by Senate and House members. A jointly sponsored bill must be introduced in the house in which the member whose name appears first on the bill is a member. The chief joint sponsor's name must appear immediately to the right of the first sponsor's name. In each session of the Legislature, bills, joint resolutions, and simple resolutions must be numbered consecutively in separate series in the order of their receipt.

(5) (a) Any bill proposed by an interim or statutory legislative committee or introduced by request of an administrative or executive agency or department must be so indicated by placing after the names of the sponsors the phrase "By Request of the..... (Name of committee or agency)". The phrase may not be added to an introduced bill and may not be placed on a bill whose subject matter was requested by an agency or statutory or interim committee prior to the convening of the session. Unless requested by an individual member, a bill draft request submitted at the request of an agency must be submitted to, reviewed by, and requested by the appropriate interim or statutory committee. Except as provided in subsection (5)(b), an agency or committee bill request must be preintroduced or the request is canceled. Preintroduction must occur no later than 5 p.m. on the fifth working day prior to the convening of a legislative session. Preintroduction is accomplished when the Legislative Services Division receives a signed preintroduction form.

(b) The preintroduction requirement does not apply to an office held by an elected official during the official's first year in that office or to bills requested by a joint select or joint special committee appointed prior to the convening of the legislative session to address a specific issue.

(6) Bills may be preintroduced, numbered, and reproduced prior to a legislative session by the staff of the Legislative Services Division. Actual signatures of persons entitled to serve as members in the ensuing session may be obtained on a consent form from the Legislative Services Division and the sponsor's name printed on the bill. Additional sponsors may be added on motion of the chief sponsor at any time prior to a standing committee report on the bill. These names will be forwarded to the Legislative Services Division to be included on the face of the bill following standing committee approval.

40-50. Schedules for drafting requests and bill introduction. The following schedules must be followed for submission of drafting requests and introduction of bills and resolutions.

	Request Deadline 5:00 P.M. Legislative Day
! General Bills and Resolutions	10
! Revenue Bills	17
! Committee Bills and Resolutions	36
! Committee Revenue Bills	62
! Committee Bills implementing provisions of a general appropriation act	75
! Bills and Resolutions must be introduced within 2 legislative days after delivery.	
! Appropriation Bills	No Deadline
! Interim study resolutions	75
! Resolutions to express confirmation of appointments	No Deadline
! Bills repealing or directing the amendment or adoption of administrative rules and joint resolutions advising or requesting the repeal, amendment, or adoption of administrative rules	No Deadline
40-60. Joint resolutions. (1) A joint resolution must be adopted by both houses and is not approved by the Governor. It may be used to: (a) express desire, opinion, sympathy, or request of the Legislature; (b) request, but not require, a legislative entity to conduct an interim study; (c) adopt, amend, or repeal the joint rules; (d) approve construction of a state building under section 18-2-102 or 20-25-302, MCA; (e) deal with disasters and emergencies under Title 10, specifically as provided in sections 10-3-302(3), 10-3-303(3), 10-3-303(4), and 10-3-505(5), MCA; (f) submit a negotiated settlement under section 39-31-305(3), MCA; (g) declare or terminate an energy emergency under section 90-4-310, MCA; (h) ratify or propose amendments to the United States Constitution; or (i) advise or request the repeal, amendment, or adoption of a rule in the Administrative Rules of Montana. (2) A joint resolution may not be used for purposes of congratulating or recognizing an individual or group achievement. Recognition of individual or group achievements is handled on special orders of the day. (3) Except as otherwise provided in these rules or The Constitution of the State of Montana, a joint resolution is treated in all respects as a bill. (4) A copy of every joint resolution must be transmitted after adoption to the Secretary of State by the Secretary of the Senate or the Chief Clerk of the House.	

40-65. Appropriation required for bills requesting interim studies.

A bill including a request for an interim study may not be transmitted to the Governor unless the bill contains an appropriation sufficient to conduct the study. A fiscal note may be requested for a bill requesting an interim study if the appropriation does not appear to be sufficient.

40-70. Bills with same purpose — vetoes. (1) A bill may not be introduced or received in a house after that house, during that session, has finally rejected a bill designed to accomplish the same purpose, except with the approval of the Rules Committee of the house in which the bill is offered for introduction or reception.

(2) Failure to override a veto does not constitute final rejection.

40-80. Reproduction of full statute required. A statute may not be amended or its provisions extended by reference to its title only, but the statute section that is amended or extended must be reproduced or published at length.

40-90. Bills — original purpose. A law may not be passed except by bill. A bill may not be so altered or amended on its passage through either house as to change its original purpose (Montana Constitution, Art. V, Sec. 11(1)).

40-100. Fiscal notes. (1) As provided in Title 5, chapter 4, part 2, MCA, all bills reported out of a committee of the Legislature having a potential effect on the revenues, expenditures, or fiscal liability of the state, local governments, or public schools, except appropriation measures carrying specific dollar amounts, must include a fiscal note incorporating an estimate of the fiscal effect. The Legislative Services Division staff shall indicate at the top of each bill prepared for introduction that a fiscal note may be necessary under this rule. Fiscal notes must be requested by the presiding officer of either house, who, at the time of introduction or after adoption of substantive amendments to an introduced bill, shall determine the need for the note, based on the Legislative Services Division staff recommendation.

(2) Unless the chief sponsor directs otherwise, the Legislative Services Division shall make available an electronic copy of any bill for which it has been determined a fiscal note may be necessary to the Budget Director immediately after the bill has been prepared for introduction and delivered to the requesting member. The Budget Director may proceed with the preparation of a fiscal note in anticipation of a subsequent formal request. A bill with financial implications for a local government or school district must comply with subsection (4).

(3) The Budget Director, in cooperation with the governmental entity or entities affected by the bill, is responsible for the preparation of the fiscal note. Except as provided in subsection (4), the Budget Director shall return the fiscal note within 6 days unless further time is granted by the presiding officer or committee making the request, based upon a written statement from the Budget Director that additional time is necessary to properly prepare the note.

(4) (a) A bill that may require a local government or school district to perform an activity or provide a service or facility that requires the direct expenditure of additional funds without a specific means to finance the activity, service, or facility in violation of section 1-2-112 or 1-2-113, MCA, must be accompanied, at the time that the bill is presented for introduction, by an estimate of all direct and indirect fiscal impacts on the local government or school district. The estimate of the fiscal impacts must be prepared by the Budget Director in cooperation with a local government or school district affected by the bill.

(b) The Budget Director has 10 days to prepare the estimate. Upon completion of the estimate, the Budget Director shall submit it to the presiding officer and the chief sponsor of the bill.

(5) A completed fiscal note must be submitted by the Budget Director to the presiding officer who requested it. The presiding officer shall notify the bill's chief sponsor of the completed fiscal note and request the chief sponsor's signature. The chief sponsor has 1 legislative day after delivery to review the fiscal note and to discuss the findings with the Budget Director, if necessary. After the legislative day has elapsed, all fiscal notes must be reproduced and placed on the members' desks, either with or without the chief sponsor's signature.

(6) A fiscal note must, if possible, show in dollar amounts:

- (a) the estimated increase or decrease in revenues or expenditures;
- (b) costs that may be absorbed without additional funds; and
- (c) long-range financial implications.

(7) The fiscal note may not include any comment or opinion relative to merits of the bill. However, technical or mechanical defects in the bill may be noted.

(8) A fiscal note also may be requested, through the presiding officer, on a bill and on an amended bill by:

- (a) a committee considering the bill;
- (b) a majority of the members of the house in which the bill is to be considered, at the time of second reading; or
- (c) the chief sponsor.

(9) The Budget Director shall make available on request to any member of the Legislature all background information used in developing a fiscal note.

(10) If a bill requires a fiscal note, the bill may not be reported from a committee for second reading unless the bill is accompanied by the fiscal note.

40-110. Sponsor's fiscal note. (1) If a sponsor elects to request the preparation of a sponsor's fiscal note pursuant to section 5-4-204, MCA, the sponsor shall make the election as provided and return the completed sponsor's fiscal note to the presiding officer within 4 days of the election.

(2) The presiding officer may grant additional time to the sponsor for preparation of the sponsor's fiscal note.

(3) Upon receipt of the completed sponsor's fiscal note, the presiding officer shall refer it to the committee hearing the bill. If the bill is printed, the note must be identified as a sponsor's fiscal note, reproduced, and placed on the members' desks.

(4) The Legislative Services Division shall provide forms for preparation of sponsors' fiscal notes and shall print the completed sponsors' fiscal notes on a different color paper than the fiscal notes prepared by the Budget Director.

40-120. Substitute bills. (1) A committee may recommend that every clause in a bill be changed and that entirely new material be substituted so long as the new material is relevant to the title and subject of the original bill. The substitute bill is considered an amendment and not a new bill.

(2) The proper form of reporting a substitute bill by a committee is to propose amendments to strike out all of the material following the enacting clause, to

substitute the new material, and to recommend any necessary changes in the title of the bill.

(3) If a committee report is adopted that recommends a substitute for a bill originating in the other house, the substitute bill must be printed and reproduced.

40-130. Reading of bills. Prior to passage, a bill, other than a bill requested by a joint select or joint special committee as provided in 40-40(5)(b), must be read three times in the house in which it is under consideration. It may be read either by title or by summary of title.

40-140. Second reading — bill reproduction. (1) If the majority of a house adopts a recommendation for the passage of a bill originating in that house after the bill has been returned from a committee with amendments, the bill must be reproduced on yellow paper with all amendments incorporated into the copies.

(2) If a bill has been returned from a committee without amendments, only the first sheet must be reproduced on yellow paper, and the remainder of the text may be incorporated by reference to the preceding version of the entire bill.

(3) A bill requested by and heard by a joint select or joint special committee, as provided in 40-40(5)(b), may be referred directly to second reading. If the bill is passed by the house of origin, the bill must be transmitted to the other house, and if the bill was not amended, it may be placed on second reading without the need for referral to a committee.

40-150. Engrossing. (1) When a bill has been reported favorably by Committee of the Whole of the house in which it originated and the report has been adopted, the bill must be engrossed if the bill is amended. Committee of the Whole amendments must be included in the engrossed bill. If the bill is not amended, the bill must be sent to printing. The bill must be placed on the calendar for third reading on the legislative day after receipt.

(2) Copies of the engrossed bill to be distributed to members are reproduced on blue paper. If a bill is unamended by the Committee of the Whole and contains no clerical errors, it is not required to be reprinted. Only the first sheet must be reproduced on blue paper, with the remainder of the text incorporated by reference to the preceding version of the entire bill.

(3) If a bill is amended by a standing committee in the second house, the amendments must be included in a tan-colored bill and distributed in the second house for second reading consideration. If the bill is amended in Committee of the Whole, the amendments must be included in a salmon-colored reference bill and distributed in the second house for third reading. If the bill passes on third reading, copies of the reference bill must be distributed in the original house. The original house may request from the second house a specified number of copies of the amendments to be printed.

40-160. Enrolling. (1) When a bill has passed both houses, it must be enrolled. An original and two duplicate printed copies of the bill must be enrolled, free from all errors, with a margin of two inches at the top and one inch on each side. In sections amending existing statutes, new matter must be underlined and deleted matter must be shown as stricken.

(2) When the enrolling is completed, the bill must be examined by the sponsor.

(3) The correctly enrolled bill must be delivered to the presiding officer of the house in which the bill originated. The presiding officer shall sign the original and two copies of each bill not later than the next legislative day after it has been reported correctly enrolled, unless the bill is delivered on the last legislative day, in which case the presiding officer shall sign it that day. The fact of signing must be announced by the presiding officer and entered upon the journal no later than the next legislative day. At any time after the report of a bill correctly enrolled and before the signing, if a member signifies a desire to examine the bill, the member must be permitted to do so. The bill then must be transmitted to the other house where the same procedure must be followed.

(4) A bill that has passed both houses of the Legislature by the 90th day may be:

- (a) enrolled;
- (b) clerically corrected by the presiding officers, if necessary;
- (c) signed by the presiding officers; and

(d) delivered to the Governor or, in the case of a bill proposing a referendum, to the Secretary of State, not later than 5 working days after the 90th legislative day.

(5) All journal entries authorized under this rule must be entered on the journal for the 90th day.

(6) The original and two copies signed by the presiding officer of each house must be presented to the Governor or the Secretary of State, as applicable, in return for a receipt. A report then must be made to the house of the day of the presentation, which must be entered on the journal.

(7) The original must be filed with the Secretary of State. Signed copies with chapter numbers assigned pursuant to section 5-11-204, MCA, must be filed with the Clerk of the Supreme Court and the Legislative Services Division.

40-170. Amendment by second house. (1) Amendments to a bill by the second house may not be further amended by the house in which the bill originated, but must be either accepted or rejected. A bill amended by the second house when the effect of the combined amendments is to return the bill to the form that the bill passed the house in which the bill originated is not considered to have been amended and need not be returned to the house of origin for acceptance or rejection of the amendments. If the amendments are rejected, a conference committee may be requested by the house in which the bill originated. If the amendments are accepted and the bill is of a type requiring more than a majority vote for passage, the bill again must be placed on third reading in the house of origin.

(2) The vote on third reading after concurrence in amendments is the vote of the house of origin that must be used to determine if the required number of votes has been cast.

40-180. Final action on a bill. (1) When a bill being heard by the second house has received its third reading or has been rejected, the second house shall transmit it as soon as possible to the original house with notice of the second house's action.

(2) A bill that reduces revenue and that contains a contingent voidness provision may not be transmitted to the Governor unless there is an identified corresponding reduction in an appropriation contained in the general appropriations act.

40-190. Transmittal of bills between houses. (1) Each house shall transmit to the other with any bill all relevant papers.

(2) When a House bill is transmitted to the Senate, the Secretary of the Senate shall give a dated receipt for the bill to the Chief Clerk of the House. When a Senate bill is transmitted to the House of Representatives, the Chief Clerk of the House shall give a dated receipt to the Secretary of the Senate.

40-200. Transmittal deadlines. (1) (a) A bill or amendment transmitted after the deadline established in this subsection (1) may be considered by the receiving house only upon approval of two-thirds of its members present and voting. If the receiving house does not so vote, the bill or amendment must be held pending in the house to which it was transmitted.

(b) (i) A bill, except for an appropriation bill, a revenue bill, or amendments considered by joint committee, must be transmitted from one house to the other on or before the 45th legislative day.

(ii) Amendments, except to appropriation bills and revenue bills, must be transmitted from one house to the other on or before the 73rd legislative day.

(c) (i) Revenue bills originating in the Senate must be transmitted to the House on or before the 71st legislative day.

(ii) House amendments to Senate revenue bills must be transmitted by the House to the Senate on or before the 82nd legislative day.

(iii) Revenue bills originating in the House must be transmitted to the Senate on or before the 71st legislative day.

(iv) Senate amendments to House revenue bills must be transmitted by the Senate to the House on or before the 82nd legislative day.

(v) A revenue bill is one that either increases or decreases revenue.

(d) (i) Appropriation bills and any bill implementing provisions of a general appropriation bill must be transmitted to the Senate on or before the 67th legislative day.

(ii) Senate amendments to appropriation bills must be transmitted by the Senate to the House on or before the 80th legislative day.

(2) (a) A joint resolution introduced for the purpose of estimating revenue available for appropriation by the Legislature must be transmitted no later than the 60th legislative day.

(b) Amendments to the resolutions must be transmitted to the house of origin no later than the 82nd legislative day.

(3) Bills repealing or directing the amendment or adoption of administrative rules and joint resolutions advising or requesting the repeal, amendment, or adoption of administrative rules may be transmitted at any time during a session.

(4) Interim study resolutions must be transmitted from one house to the other on or before the 85th legislative day.

40-210. Governor's veto. (1) Except as provided in 40-65 and 40-180, each bill passed by the Legislature must be submitted to the Governor for the Governor's signature. This does not apply to:

(a) bills proposing amendments to The Constitution of the State of Montana;

(b) bills ratifying proposed amendments to the United States Constitution;

(c) resolutions; and

(d) referendum measures of the Legislature.

(2) If the Governor does not sign or veto the bill within 10 days after its delivery, the bill becomes law.

(3) The Governor shall return a vetoed bill to the Legislature with a statement of reasons for the veto.

(4) If after receipt of a veto message, two-thirds of the members of each house present approve the bill, it becomes law.

(5) If the Legislature is not in session when the Governor vetoes a bill, the Governor shall return the bill with reasons for the veto to the Legislature as provided by law. The Legislature may be polled on a bill that it approved by two-thirds of the members present or it may be reconvened to reconsider any bill so vetoed (Montana Constitution, Art. VI, Sec. 10).

(6) The Governor may veto items in appropriation bills, and in these instances the procedure must be the same as upon veto of an entire bill (Montana Constitution, Art. VI, Sec. 10).

40-220. Response to Governor's veto. (1) When the presiding officer receives a veto message, the presiding officer shall read it to the members over the rostrum. After the reading, a member may move that the Governor's veto be overridden.

(2) A vote on the motion is determined by roll call. If two-thirds of the members present vote "aye", the veto is overridden. If two-thirds of the members present do not vote "aye", the veto is sustained.

40-230. Governor's recommendations for amendment. (1) The Governor may return any bill to the Legislature with recommendations for amendment. The Governor's recommendations for amendment must be considered first by the house in which the bill originated.

(2) If the Legislature passes the bill in accordance with the Governor's recommendations, it shall return the bill to the Governor for reconsideration. The Governor may not return a bill to the Legislature a second time for amendment.

(3) If the Governor returns a bill to the originating house with recommendations for amendment, the house shall reconsider the bill under its rules relating to amendments offered in Committee of the Whole.

(4) The bill then is subject to the following procedures:

(a) The originating house shall transmit to the second house, for consideration under its rules relating to amendments in Committee of the Whole, the bill and the originating house's approval or disapproval of the Governor's recommendations.

(b) If both houses approve the Governor's recommendations, the bill must be returned to the Governor for reconsideration.

(c) If both houses disapprove the Governor's recommendations, the bill must be returned to the Governor for reconsideration.

(d) If one house disapproves the Governor's recommendations and the other house approves, then either house may request a conference committee, which may be a free conference committee.

(i) If both houses adopt a conference committee report, the bill in accordance with the report must be returned to the Governor for reconsideration.

(ii) If a conference committee fails to reach agreement or if its report is not adopted by both houses, the Governor's recommendations must be considered not approved and the bill must be returned to the Governor for further consideration.

CHAPTER 60

Rules

60-10. Suspension of joint rule — change in rules. (1) A joint rule may be repealed or amended only with the concurrence of both houses, under the procedures adopted by each house for the repeal or amendment of its own rules.

(2) A joint rule governing the procedure for handling bills may be temporarily suspended by the consent of two-thirds of the members of either house, insofar as it applies to the house suspending it.

(3) Any Rules Committee report recommending a change in the joint rules must be referred to the other house. Any new rule or any change in the rules of either house must be transmitted to the other house for informational purposes.

(4) Upon adoption of any change, the Secretary of the Senate and the Chief Clerk of the House of Representatives shall provide the office of the Legislative Services Division:

(a) one copy of all motions or resolutions amending Senate, House, or joint rules; and

(b) copies of all minutes and reports of the Rules Committees.

60-20. Reference to Mason's Manual. Mason's Manual of Legislative Procedure (2000) governs the proceedings of the Senate and the House of Representatives in all cases not covered by these rules.

60-30. Publication and distribution of joint rules. (1) The Legislative Services Division shall codify and publish in one volume:

(a) the rules of the Senate;

(b) the rules of the House of Representatives; and

(c) the joint rules of the Senate and the House of Representatives.

(2) After the rules have been published, the Legislative Services Division shall distribute copies as directed by the Senate and the House of Representatives.

Adopted January 30, 2003

SENATE JOINT RESOLUTION NO. 2

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA SUPPORTING A HEALTHY SCHOOL ENVIRONMENT BY URGING SCHOOL DISTRICTS TO OFFER NUTRITIOUS FOOD AND BEVERAGE CHOICES AND PROVIDE OPPORTUNITIES FOR PHYSICAL ACTIVITY WHENEVER POSSIBLE.

WHEREAS, obesity in children is a national epidemic and can lead to chronic diseases, such as heart disease, stroke, diabetes, and cancer; and

WHEREAS, the majority of children's diets are not meeting national nutrition recommendations; and

WHEREAS, children make food and beverage choices in a variety of school settings, including school breakfast and lunch, the use of vending machines, the purchase of concessions, and after school programs; and

WHEREAS, Medicaid and health care costs are a growing issue of concern in Montana and are significantly impacted by obesity; and

WHEREAS, good nutrition and adequate physical activity help children grow, develop, and do well in school; and

WHEREAS, healthy bodies and minds are major contributors to readiness to learn, to improved school attendance, and to improved performance in sports and other extracurricular activities; and

WHEREAS, school-based nutrition education and physical activity support healthy eating habits and an active lifestyle; and

WHEREAS, wholesome foods produced in Montana should be available and actively promoted in a healthy school environment; and

WHEREAS, the Legislature needs to identify long-term strategies to reduce the need for public assistance programs, such as Medicaid, and to lower health care costs related to chronic diseases and poor dental health.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Montana Legislature support implementation of school policies that ensure a healthy environment in our schools and that encourage children to eat well and be physically active throughout the school day.

BE IT FURTHER RESOLVED, that the Montana Legislature urge local school districts to offer nutritious food and beverage choices and provide opportunities for physical activity whenever possible.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the Superintendent of Public Instruction for distribution to every school district in Montana.

Adopted April 5, 2003

SENATE JOINT RESOLUTION NO. 3

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE BOARD OF REGENTS TO ADOPT POLICIES GRANTING A MEMBER OF THE MILITARY WHO IS CALLED OR ORDERED TO ACTIVE MILITARY DUTY OTHER THAN ACTIVE DUTY FOR TRAINING, INCLUDING, IN THE CASE OF MEMBERS OF THE MONTANA NATIONAL GUARD, ACTIVE DUTY AS PROVIDED FOR IN ARTICLE VI, SECTION 13, OF THE MONTANA CONSTITUTION, AN EDUCATIONAL LEAVE OF ABSENCE UPON RELEASE FROM ACTIVE DUTY; URGING RESTORING A MEMBER UPON RELEASE FROM ACTIVE DUTY TO THE EDUCATIONAL STATUS ATTAINED PRIOR TO BEING CALLED OR ORDERED INTO ACTIVE

DUTY; AND URGING REFUNDING OF TUITION OR FEES PAID BY A MILITARY MEMBER WHO IS ORDERED TO ACTIVE DUTY.

WHEREAS, as commander-in-chief of the militia forces of Montana, except when forces are in the actual service of the United States, the Governor may call out any of the militia forces to aid in the execution of laws, suppress insurrection, repel invasion, or protect life and property in natural disasters or disasters caused by human activity; and

WHEREAS, from July 23, 2000, to September 7, 2001, 2,076 soldiers and aircrew members from the Montana Army and Air National Guard were called for state active duty in support of 17 wildland fire incidents in Montana; and

WHEREAS, since the terrorist attacks on September 11, 2001, the Montana Army and Air National Guard have mobilized and deployed more than 1,200 soldiers and aircrew members for active military duty, including state and federal active duty to support federal security operations and security operations for the National Emergency Managers Conference in Big Sky, Montana, to support Operation Enduring Freedom in Southeast Asia and stabilization forces in Bosnia, to support federal efforts for Operation Installation Security in Montana and support for Operation Airport Security by deploying soldiers and aircrew to protect Montana's 14 airports, to provide security for the 2002 Winter Olympics in Utah, and to support federal security efforts by providing soldiers at 10 points of embarkation along the Montana-Canadian border; and

WHEREAS, these mobilizations and deployments of Montana Army and Air National Guard members include many students whose call to active military duty requires them to suspend their education at Montana postsecondary institutions; and

WHEREAS, a student who is called or ordered to active military duty after enrolling in a postsecondary institution suffers the financial hardship caused by absences from school after enrollment, the loss of an opportunity to receive credit for courses, the loss of priority status for reenrollment in courses upon return from active military duty, and the possible loss of scholarships, grants, and fee waivers; and

WHEREAS, the granting of educational benefits in lieu of direct funding remains one of the most effective tools for recruiting and retaining a trained and ready military force.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Board of Regents be strongly urged to adopt a policy:

(1) granting a military leave of absence from education to a member of the Montana National Guard or other reserve component of the United States armed forces who is called or ordered to active duty other than active duty for training, including, in the case of a member of the Montana National Guard, a member who is called or ordered to active state duty as provided for in Article VI, section 13, of the Montana Constitution;

(2) restoring a member on military leave of absence to the full educational benefits that the member had attained prior to being called or ordered to active military duty, including any academic credits earned or scholarships, grants, or fee waivers received; and

(3) refunding 100% of tuition or fees paid by the member of the Montana National Guard or other reserve component of the United States armed forces for the term in which the member was called to active duty.

Adopted March 20, 2003

SENATE JOINT RESOLUTION NO. 4

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING DELISTING OF THE WOLF PURSUANT TO THE FEDERAL ENDANGERED SPECIES ACT OF 1973; REQUESTING THAT CONGRESS ESTABLISH AND FUND THE NORTHERN ROCKY MOUNTAIN GRIZZLY BEAR AND GRAY WOLF NATIONAL MANAGEMENT TRUST; REQUESTING THAT WOLF POPULATION MANAGEMENT METHODS INCLUDE NONLETHAL AND LETHAL METHODS; ENCOURAGING THE FISH, WILDLIFE, AND PARKS COMMISSION TO RECLASSIFY THE GRAY WOLF WHEN REGULATION OF THE WOLF POPULATION IS NEEDED; AND REQUESTING THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS OR THE DEPARTMENT OF LIVESTOCK TO ADDRESS LIVESTOCK DEPREDACTIONS EXPEDITIOUSLY.

WHEREAS, since 1973, the gray wolf has been protected in Montana, Idaho, and Wyoming under the federal Endangered Species Act of 1973; and

WHEREAS, the gray wolf has been listed as an endangered species pursuant to Montana's Nongame and Endangered Species Conservation Act since 1975; and

WHEREAS, through natural recovery in Montana beginning about 1982 and through reintroduction of wolves by the federal government to Idaho and Wyoming in 1995 and 1996, the number of wolves has increased dramatically in Montana, Idaho, and Wyoming; and

WHEREAS, the U.S. Fish and Wildlife Service determined that the delisting process would be initiated when a total of 30 breeding pairs of wolves, with an equitable distribution throughout the states of Montana, Idaho, and Wyoming, has been documented for 3 successive years; and

WHEREAS, at least 30 breeding pairs were documented in 2000, 2001, and 2002; and

WHEREAS, some wolf packs are causing serious problems with depredations upon livestock and pets in certain areas; and

WHEREAS, wolves, mountain lions, bears, and coyotes have collectively had a major impact on big game populations in some areas; and

WHEREAS, many Montanans feel that it is time for the state to take over management of the gray wolf from the federal government; and

WHEREAS, the federal government will continue to manage gray wolves until gray wolves are delisted under the federal Endangered Species Act and the state has an approved management plan and an adequate regulatory framework; and

WHEREAS, the 2001 Montana Legislature passed a law establishing an adequate regulatory framework for management of the gray wolf upon delisting by the federal government; and

WHEREAS, Montana has had a citizen Wolf Management Advisory Council, appointed by the Governor, working to develop a management plan, and that Council held hearings throughout Montana in 2002; and

WHEREAS, all Americans should share in the costs of management of species listed under the federal Endangered Species Act.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the U.S. Fish and Wildlife Service recognize that Montana has a viable management plan and is ready to assume management responsibility for the gray wolf and that the U.S. Fish and Wildlife Service delist the gray wolf as quickly as possible.

BE IT FURTHER RESOLVED, that federal funding be provided to Montana from a permanently established federal trust set up for future management purposes, not from annual appropriations that may be eliminated in the future.

BE IT FURTHER RESOLVED, that the U.S. Congress establish and provide funding for the Northern Rocky Mountain Grizzly Bear and Gray Wolf National Management Trust, proposed by the Governors of Montana, Idaho, and Wyoming.

BE IT FURTHER RESOLVED, that wolf population management in Montana include the full range of management tools, from nonlethal to lethal.

BE IT FURTHER RESOLVED, that the Montana Fish, Wildlife, and Parks Commission be encouraged to reclassify the wolf as a big game animal or a furbearer, with regulated public harvest, when regulation of the wolf population is needed.

BE IT FURTHER RESOLVED, that upon delisting of the gray wolf pursuant to the federal Endangered Species Act, the Montana Department of Fish, Wildlife, and Parks or the Montana Department of Livestock address livestock depredations caused by wolves as expeditiously as possible, using lethal wolf control when necessary.

BE IT FURTHER RESOLVED, that the Montana Congressional Delegation be apprised of the extreme gravity of the matter and be urged to take action to expedite the delisting.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Montana Congressional Delegation, the U.S. Fish and Wildlife Service, the presiding officers of each house of the Legislature of the states of Idaho and Wyoming, and the Governors of Montana, Idaho, and Wyoming.

Adopted April 5, 2003

SENATE JOINT RESOLUTION NO. 7

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA EXPRESSING SUPPORT FOR THE NATIONAL FOREST COUNTY PARTNERSHIP RESTORATION PROGRAM ESTABLISHED BY THE 106TH CONGRESS FOR IMPLEMENTATION IN NATIONAL FORESTS IN MONTANA AND OTHER WESTERN STATES.

WHEREAS, the Legislature recognizes the existence of a present and continuing threat to the lives and property of citizens of the western states of the United States and to the watersheds and multiple values contained in the forest lands of the country caused by the extreme risk of catastrophic wildfires and changed forest ecosystem conditions; and

WHEREAS, it is critical to recognize that forests are dynamic in nature; that they exhibit a variety of growth characteristics depending on species and ecological setting; that wildfire is a natural component of the evolutionary history of most western forests; that all the values of the forest, not only the human components, are important; that the health of the forest determines its susceptibility to fire and other destructive agents such as insects and disease; that continuing increments of forest growth over removals will add to excessive fuel loading and increase the fire risk; that removal of excess wood by using best forest management practices and prescribed fire decreases the probability of destructive wildfires; and that the value of excess woody material removed should help offset the expense of treatment; and

WHEREAS, in 2001, the United States Congress, with guidance from the Western Governors' Association, enacted the Department of the Interior and Related Agencies Appropriations Act (Public Law 106-291), which calls for progressive new local government and federal agency forest restoration partnership programs to reduce fire risk and restore watershed health, especially in western conifer forests; and

WHEREAS, the developing proposal for a National Forest County Partnership Restoration Program includes national forests in Montana and other western states and is designed to fully implement the direction from Congress and the Western Governors' Association; and

WHEREAS, county-led restoration programs on western public lands have focused generally on small demonstration projects to restore terrestrial wildlife habitats, protect and improve aquatic and riparian areas, restore watershed health, and reduce fire risk; and

WHEREAS, elevating the county efforts to the landscape level of western national forests would represent a powerful strategy to respond to existing critical restoration needs; and

WHEREAS, the National Forest County Partnership Restoration Program is the first effort to create a fully operational model of a county government and federal land manager partnership on a multiple national forest scale; and

WHEREAS, the program is specifically designed to accomplish the following:

- (1) expand the operating scale of local government and federal land management restoration partnerships to a multistate, multiagency land base;
- (2) utilize best science and a collaborative process to evaluate and restore high-risk areas of western forests;
- (3) address land management planning problems of multiagency ownerships at landscape levels;
- (4) improve local leadership and collaborative processes addressing federal land management programs;
- (5) enhance coordination between local, federal, and tribal program jurisdictions and processes;

(6) reduce conflicts in treatment of biophysical and socioeconomic resources and address multiagency issues in planning and management, especially regarding the treatment of certain species;

(7) reduce the current lengthy periods needed for review, approval, and implementation activities;

(8) improve treatment of economic and social infrastructure issues related to both traditional and new industry as well as local custom and culture;

(9) consider treatment of fuel based on desired future forest conditions regardless of size or age;

(10) use a systematic, diagnostic approach to evaluate forest health problems;

(11) apply appropriate silvicultural methods that replicate natural forest processes;

(12) account for the cost of maintaining forest health using long-term risk analysis;

(13) consider forest products and materials to offset costs for forest health measures through development of private market end users for forest products and materials; and

(14) improve information technology for managing resources and informing the public; and

WHEREAS, the National Forest County Partnership Restoration Program for western forests is proposed for the period 2003 through 2014 and with appropriate federal funding, it is anticipated that the forest acreage most at risk to fire and forest health can be restored through this period.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislature recognizes the critical roles that county governments play as partners to protect the health, welfare, and safety of their citizens and related public resources and, therefore, fully supports the National Forest County Partnership Restoration Program and the restoration and preservation of national forests in Montana and other western states.

BE IT FURTHER RESOLVED, that copies of this resolution be sent to the Governor of Montana, the Western Governors' Association, the Undersecretary for Natural Resources and Environment of the United States Department of Agriculture, the Chief of the United States Forest Service, and the Montana Congressional Delegation.

Adopted April 5, 2003

SENATE JOINT RESOLUTION NO. 8

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA RECOMMENDING THAT IN RECOGNITION OF THE IMPORTANCE OF RESPONDING TO THE DESIRES AND NEEDS OF A MAJORITY OF MONTANA'S FOREIGN GRAIN CUSTOMERS, GENETICALLY ENGINEERED WHEAT OR BARLEY BE GROWN IN MONTANA ONLY WHEN THERE IS ACCEPTANCE OF THESE GENETICALLY ENGINEERED CROPS BY A MAJORITY OF MONTANA'S FOREIGN MARKETS; RECOMMENDING THAT RESEARCH

OF GENETICALLY ENGINEERED CROPS SHOULD CONTINUE; AND ENCOURAGING REGULATORY AGENCIES TO RECOGNIZE THEIR RESPONSIBILITY AS GENETICALLY ENGINEERED CROPS ARE INTRODUCED.

WHEREAS, Montana's wheat and barley industry is a central and vital component of our state's economy; and

WHEREAS, Montana's export markets have recognized Montana wheat and barley to be among the finest in the world; and

WHEREAS, Montana has come to rely on these export customers to market a majority of Montana's grain to Pacific Rim countries; and

WHEREAS, a majority of these customers have not yet accepted genetically engineered grains; and

WHEREAS, the Legislature recognizes the importance of maintaining these foreign markets.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the introduction of genetically engineered wheat and barley for commercial production must be carefully timed so that it occurs only when there is acceptance of these crops by Montana's major customers.

(2) That research should continue in:

(a) development of crops and crop characteristics that appeal to the needs of the customer;

(b) development of crops and crop characteristics that are economically beneficial to the producer;

(c) development of safeguards to reduce outcrossing of genetically engineered crops with nongenetically engineered crops and weeds; and

(d) development of systems to reduce potential mixing of genetically engineered crops with nongenetically engineered crops.

(3) That regulatory agencies are strongly encouraged to recognize the magnitude of the responsibility that they have in the proper release of genetically engineered crops and do everything in their power to safeguard Montana's ability to meet the needs of their grain customers.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the United States Department of Agriculture, the United States Animal and Plant Health Inspection Service, the United States Federal Drug Administration, the United States Environmental Protection Agency, the Montana Department of Agriculture, and the Montana Congressional Delegation.

Adopted April 5, 2003

SENATE JOINT RESOLUTION NO. 9

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE MEMBERS OF THE MONTANA CONGRESSIONAL DELEGATION TO INTRODUCE AND SUPPORT LEGISLATION IN THE U.S. CONGRESS TO ESTABLISH A MINIMUM LAKE LEVEL IN FORT PECK RESERVOIR.

WHEREAS, the sport fishery in Fort Peck Reservoir is of vital importance to the economy of northeast Montana and northwest North Dakota; and

WHEREAS, the State of Montana and the federal government have spent about \$3 million to date on a warm water hatchery at Fort Peck to improve the warm water fishery in Fort Peck Reservoir and other state waters, and private donors have contributed an additional \$200,000 toward the hatchery project; and

WHEREAS, pool elevations that are below 2,225 feet above mean sea level eliminate significant amounts of spawning and rearing habitat, thereby reducing fish numbers and greatly impairing recreational access to the reservoir, the combination of which is very detrimental to the local and regional economy; and

WHEREAS, the U.S. Army Corps of Engineers' policy regarding lake levels in Fort Peck Reservoir is devastating to fisheries above and below Fort Peck Dam and to the area economy; and

WHEREAS, a higher pool level and a more conservative approach to operating Fort Peck Reservoir will more equitably spread the effects of prolonged drought and allow for healthier river flows below Fort Peck Dam during drought; and

WHEREAS, seven of the eight states represented on the Missouri River Basin Association have consistently supported a higher level of water conservation during periods of drought.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the members of the Montana Congressional Delegation be urged to introduce legislation in the U.S. Congress as promptly as possible to set a minimum lake level of 2,225 feet above mean sea level in Fort Peck Reservoir, except when necessary to protect fish and wildlife and their habitat in the river reach between Fort Peck Dam and Lake Sakakawea, and to use the Delegation's combined efforts in support of the legislation.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the members of the Montana Congressional Delegation.

Adopted April 2, 2003

SENATE JOINT RESOLUTION NO. 11

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA TO REQUEST A STUDY OF THE PROBLEMS OF ALCOHOL AND DRUG ABUSE AND OF PREVENTION, EARLY INTERVENTION, AND TREATMENT.

WHEREAS, there are statewide multifaceted problems of alcohol and drug abuse and a lack of sufficient prevention, intervention, and treatment solutions to the problems; and

WHEREAS, methamphetamine abuse exemplifies the many issues involved, including extreme addiction, the dangers to people created by the production of drugs, such as ingredients and residues, and the broad range of public health issues, ranging from child endangerment and abandonment to shared needles, self-mutilation, and dental loss; and

WHEREAS, addictions involving alcohol, drugs, tobacco, and gambling often overlap for the same person and may interact with mental illness or other forms of dependency; and

WHEREAS, prevention and treatment programs need to take into consideration the holistic picture of the effects of codependency and co-occurring disorders, behaviors, and addictions on a person's mental health; and

WHEREAS, prevention and treatment issues must include affordability and availability of all effective treatment protocols, including in-state inpatient treatment; and

WHEREAS, once prevention and early intervention options are exhausted, options for treatment at all stages of the criminal justice system, including diversionary, preincarceration, sentencing, and probation and parole options, must be explored; and

WHEREAS, an effective review of many of these problems has been undertaken by Governor Martz's and Attorney General McGrath's Alcohol, Tobacco, and Other Drug Control Policy Task Force resulting in numerous proposals to the 58th Legislature, including a proposal for a drug czar or advisory committee; and

WHEREAS, effective solutions will have a price tag, but the consequences of not implementing prevention and early intervention efforts in the areas of crime, health and welfare of the workforce, and abuse, neglect, and dependence problems for children will be a higher cost to society in the future.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

(1) review the progress made by the Governor's and Attorney General's Alcohol, Tobacco, and Other Drug Control Policy Task Force and the proposals that are enacted by the 58th Legislature; and

(2) continue to identify the issues and to develop proposals for a coordinated, cooperative effort by federal, state, and local levels of government and the private sector to implement prevention and early intervention efforts, to develop and use alternatives to incarceration, and to provide appropriate treatment opportunities at the most effective time and in the most cost-effective and efficient manner.

BE IT FURTHER RESOLVED, that the interim committee is requested to work with representatives of local government, law enforcement, prosecution and defense counsel, the judiciary, corrections, probation and parole, the medical and treatment communities, those involved in public education and outreach, and with other interested persons in its research and development of recommendations.

BE IT FURTHER RESOLVED, that if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2004.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 59th Legislature.

Adopted April 4, 2003

SENATE JOINT RESOLUTION NO. 13

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING AN INTERIM STUDY TO INVESTIGATE OPTIONS FOR IMPROVING ENERGY EFFICIENCY BUILDING CODES LAWS AND OTHER ENERGY EFFICIENCY AND CONSERVATION PRACTICES; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE REPORTED TO THE 59TH LEGISLATURE.

WHEREAS, section 50-60-201, MCA, establishes the purpose of the state building code; and

WHEREAS, section 50-60-201(6), MCA, provides that the state building code must be designed to “encourage efficiencies of design and insulation that enable buildings to be heated in the winter with the least possible quantities of energy and to be kept cool in the summer without air conditioning equipment or with the least possible use of the equipment”; and

WHEREAS, section 50-60-201(7), MCA, provides that the state building code must be designed to “encourage efficiencies and criteria directed toward design of building envelopes with high thermal resistance and low air leakage and toward requiring practices in the design and selection of mechanical, electrical, and illumination systems that promote the efficient use of energy”; and

WHEREAS, Montana's energy codes have not been updated since 1995; and

WHEREAS, recent advancements in technologies and techniques for creating energy-efficient buildings warrant a fresh look at Montana's policies and practices; and

WHEREAS, other states in the region and nation have recently adopted new energy codes to take advantage of these advancements and to conform to new industry-accepted standards; and

WHEREAS, the Environmental Quality Council has historically demonstrated the ability to facilitate constructive, collaborative solutions by bringing together diverse constituencies in order to address energy efficiency and state building codes issues.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee or statutory committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to:

- (1) evaluate the state's current energy-efficient building policies and practices;
- (2) investigate options for improving the energy-efficient building codes and practices in Montana; and

(3) investigate and evaluate other options for improving energy efficiency and conservation practices.

BE IT FURTHER RESOLVED, that the study consider:

(1) the results of recent state and regional studies on the characteristics of nonresidential and residential building practices;

(2) recent studies quantifying energy conservation potential in the state and region.

BE IT FURTHER RESOLVED, that, if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements and any educational materials, be concluded prior to September 15, 2004.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 59th Legislature.

Adopted April 22, 2003

SENATE JOINT RESOLUTION NO. 14

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE MONTANA CONGRESSIONAL DELEGATION TO PURSUE FUNDING OPTIONS FROM FEDERAL SOURCES FOR THE DEVELOPMENT, CONSTRUCTION, AND MAINTENANCE IN LIBBY, MONTANA, OF A CENTER FOR THE STUDY OF ASBESTOS AND THE TREATMENT OF ILLNESSES RELATED TO TREMOLITE-SERIES ASBESTOS.

WHEREAS, illness from tremolite-series asbestos is a problem that extends beyond Montana to national and international levels but that afflicts Libby, Montana, in particular, a town that has the largest identified population of people suffering from diseases associated with exposure to tremolite-series asbestos; and

WHEREAS, studies reviewed by the U.S. Agency for Toxic Substances and Disease Registry identified asbestiform fibers from Libby, Montana, in concentrations higher than in samples from South Carolina and comparisons of certain samples from Virginia and South Africa also indicated reasons for concern about the asbestos-related samples from Montana; and

WHEREAS, further study of tremolite-series asbestos is important for an understanding of the health implications regarding proximity to vermiculite mines and waste products, including tremolite-series asbestos, from mining and milling vermiculite; and

WHEREAS, scientists from the U.S. Environmental Protection Agency and the U.S. Agency for Toxic Substances and Disease Registry have begun studying the residents of Libby in relation to their exposure to vermiculite that was mined and milled in the area between 1923 and 1990; and

WHEREAS, when the Governor in 2002 named Libby, Montana, as the state's top priority for hazardous waste cleanup, thus making it eligible for an expedited listing on a Superfund national priorities list, this was the second

time in 20 years that the community had received Superfund status, with the first time in 1983 involving a 20-plus-year study and abatement process regarding ground water contamination; and

WHEREAS, every dark cloud is said to have a silver lining and for the community of Libby the opportunity exists to participate in indepth studies related to the effects on human health of mining and milling of vermiculite and of exposure to byproducts, such as tremolite-series asbestos, as well as in studies on the possible treatments of diseases related to exposure to tremolite-series asbestos; and

WHEREAS, research is best performed in a community where people suffering from different stages of diseases related to exposure to tremolite-series asbestos may be studied in the surroundings associated with the exposure; and

WHEREAS, the existing medical community of Libby, Montana, includes a state-of-the-art hospital and medical personnel with the experience and expertise to address the diagnoses and treatment of asbestos-related diseases; and

WHEREAS, telecommunications systems allow researchers in Libby, Montana, to confer with specialists anywhere in the world; and

WHEREAS, the community of Libby is in contact with specialists nationwide, as well as specialists at the University of Montana in Missoula, at Montana State University in Bozeman, and at state agencies in Helena; and

WHEREAS, the community of Libby, Montana, has a sociopolitical structure with the experience and expertise for addressing asbestos-related issues and a skilled and available workforce for constructing a center in Libby for the study of asbestos issues and for conducting research into diseases associated with exposure to tremolite-series asbestos; and

WHEREAS, Libby, Montana, is the most logical location in the world for the construction of a center to research asbestos issues and the medical treatment of diseases related to tremolite-series asbestos; and

WHEREAS, Libby, Montana, is in the process of acquiring land to accommodate a facility for the study of asbestos issues and treatment of diseases associated with tremolite-series asbestos; and

WHEREAS, research, study, and medical care are welcomed and fully supported by the greater Libby community.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislature urge the Montana Congressional Delegation to pursue funding options from federal sources to develop, build, and maintain in Libby, Montana, a center for the study of asbestos issues and the treatment of illnesses related to tremolite-series asbestos.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the President of the United States, to members of the Montana Congressional Delegation, and to all other members of the U.S. Congress.

Adopted April 3, 2003

SENATE JOINT RESOLUTION NO. 15

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE CREATION OF A NEW STATE PARK AT BRUSH LAKE IN REGION 6, CONTINGENT ON FUNDING; AND PROVIDING THAT THE DEPARTMENT OF FISH, WILDLIFE, AND PARKS GIVE ESTABLISHMENT OF A STATE PARK AT BRUSH LAKE PRIORITY WHEN FUNDING BECOMES AVAILABLE.

WHEREAS, the beauty of Montana's great outdoors and the diversity of Montana's recreational opportunities are known worldwide, providing a source of pride for the people of the state and making Montana a destination for visitors and recreationists; and

WHEREAS, each region of the state possesses its own unique features and beauty, worthy of appreciation and visitation; and

WHEREAS, state parks provide residents and visitors with the opportunity to experience some of the state's more renowned areas, sparking interest in the state's diverse features and bringing revenue to local economies; and

WHEREAS, state parks have been established in every administrative region of the state except region 6 in northeastern Montana; and

WHEREAS, the 2003 Legislature is making an effort to take care of Montana's state parks by providing funding sources for the establishment and ongoing maintenance of parks; and

WHEREAS, the Department of Fish, Wildlife, and Parks is presently involved in an effort to acquire property at Brush Lake in region 6 in order to establish the region's first state park; and

WHEREAS, Brush Lake offers unique natural attributes worthy of preservation for public recreational use and scientific study and interpretation; and

WHEREAS, the Legislature considers it an appropriate recognition of the region's unique beauty and a proper expenditure of state funds to establish a state park at Brush Lake in region 6, as soon as funding becomes available.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Department of Fish, Wildlife, and Parks consider the establishment of the first state park in region 6 at Brush Lake a top priority.

BE IT FURTHER RESOLVED, that the Department make every effort, as funding becomes available, to establish and maintain a state park at Brush Lake.

Adopted April 5, 2003

SENATE JOINT RESOLUTION NO. 16

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT CONGRESS REVISE THE ENDANGERED SPECIES ACT TO ALLOW HAZING OF CARNIVORES LISTED AS AN ENDANGERED OR THREATENED SPECIES; AND URGING THE STATE ATTORNEY

GENERAL TO JOIN THE STATE IN ANY LEGAL ACTION BROUGHT TO ALLOW THE DEFENSE OF PROPERTY AGAINST LISTED PREDATORS.

WHEREAS, the grizzly bear and the gray wolf have been declared by the U.S. Fish and Wildlife Service to be endangered or threatened species, notwithstanding plentiful numbers of grizzly bears and wolves in Montana; and

WHEREAS, 16 U.S.C. 1532 defines the term “take” to include to harass or attempt to harass an endangered or threatened species; and

WHEREAS, 50 CFR 17.3 defines “harass” in the definition of “take” as “an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering”; and

WHEREAS, in *Babbitt v. Sweet Home Chapter of Communities for a Great Oregon*, 515 U.S. 687 (1995), the United States Supreme Court noted that several of the words in the definition of “take”, including “harass”, refer to actions or effects that do not require direct applications of force; and

WHEREAS, 16 U.S.C. 1535 directs the Secretary of the Interior to cooperate with the states to the maximum extent practicable in administering the Endangered Species Act; and

WHEREAS, even though 16 U.S.C. 1540(a)(3) provides that a civil penalty may not be imposed on a defendant who kills an endangered or threatened species in self-defense or in the defense of others, it is unreasonable to expect a property owner to stand idly by and allow an endangered or threatened species to threaten and kill livestock or pets or threaten family members; and

WHEREAS, in *Christy v. Hodel*, 857 F.2d 1324 (9th Cir. 1988), it was held that the Endangered Species Act and the grizzly bear regulations as applied to prevent owners of livestock from killing grizzly bears to protect their sheep against imminent destruction did not deny them equal protection of the laws and did not constitute a “taking” of the sheep without just compensation; and

WHEREAS, the definition of “take” in 16 U.S.C. 1532 was not written in contemplation of large carnivores being included as endangered or threatened species; and

WHEREAS, a property owner should be able to haze wolves and grizzly bears away from livestock and residential buildings without fear and if necessary to kill the marauding carnivores to protect private property; and

WHEREAS, unchecked predation by carnivores listed as endangered or threatened species will almost certainly impact wildlife resources, livestock, pets, and outdoor recreation; and

WHEREAS, these negative impacts will also have a profound economic and social consequence for Montana people and communities.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Governor, the Montana Congressional Delegation, and the U.S. Secretary of the Interior be strongly urged to seek a revision to the Endangered Species Act allowing reasonable efforts by property owners to protect property and people against carnivores listed as endangered or threatened species.

BE IT FURTHER RESOLVED, that the Montana Attorney General be urged to join the state in any lawsuit establishing or clarifying the right of

Montana citizens to protect their property and their lives against carnivores listed as endangered or threatened species.

BE IT FURTHER RESOLVED, that the Montana Department of Fish, Wildlife, and Parks continue its efforts to encourage the U.S. Fish and Wildlife Service to interpret "normal behavioral patterns" in a way that does not include behavior that threatens livestock, pets, or humans.

BE IT FURTHER RESOLVED, that copies of this resolution be sent by the Secretary of State to the Governor, the Montana Congressional Delegation, the Montana Attorney General, and the U.S. Secretary of the Interior.

Adopted April 5, 2003

SENATE JOINT RESOLUTION NO. 17

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE LEGISLATIVE COUNCIL TO DESIGNATE AN APPROPRIATE INTERIM COMMITTEE OR DIRECT SUFFICIENT STAFF RESOURCES TO STUDY METHODS OF SIMPLIFYING LAWS RELATED TO WORKERS' COMPENSATION AND OCCUPATIONAL DISEASES.

WHEREAS, Montana's workers' compensation laws were first enacted in 1915 and have been amended in virtually every legislative session since that time; and

WHEREAS, the significant impact on Montana's economy from workers' compensation premiums and benefits often overshadows the economic costs of understanding arcane provisions of a patchwork of workers' compensation laws; and

WHEREAS, the Montana Legislature has the ability to simplify and clarify regulations by directing a study committee to review, in conjunction with administrative rules, all of the provisions related to administration of the Workers' Compensation Act and the Occupational Disease Act of Montana, excluding benefits; and

WHEREAS, the Montana Legislature believes that the traditional workers' compensation system of compensating injured workers without regard to fault should continue into the future; and

WHEREAS, terms and concepts, such as which employers, employees, and independent contractors are covered by the workers' compensation laws, have become confusing in current statutes; and

WHEREAS, the list of exempted employments of current law may be discriminatory and may undermine a public policy that calls for all employment to be covered by the principles of workers' compensation coverage; and

WHEREAS, Montana employers and employees deserve to have workers' compensation laws that are clear, concise, and understandable.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to examine the workers' compensation laws and related administrative rules of the State of Montana and provide any suggested

changes for laws to clarify the language and intent for all who are governed by workers' compensation laws of this state.

BE IT FURTHER RESOLVED, that, if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2004.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 59th Legislature.

Adopted April 25, 2003

SENATE JOINT RESOLUTION NO. 21

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA DIRECTING THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES TO WORK TO INCREASE THE AVAILABILITY OF CHILD CARE AND TO REVIEW THE STATUS OF CHILD CARE IN MONTANA.

WHEREAS, 72% of Montana children under 6 years of age live with two employed parents or an employed single head of household; and

WHEREAS, there is a network of Child Care Resource and Referral Programs in Montana to assist parents in locating and paying for child care and to train child-care workers; and

WHEREAS, parents should have choice in the type of child care that their children receive, including home care; and

WHEREAS, child care for all Montana children should be accessible, affordable, and of high quality; and

WHEREAS, economic self-sufficiency is directly dependent upon access to quality, affordable child care while parents are at work or in school.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Department of Public Health and Human Services be directed to work with the Child Care Resource and Referral Network to increase the availability of child care throughout Montana.

BE IT FURTHER RESOLVED, that the Department of Public Health and Human Services Early Childhood Services Program review the status of child care in Montana before August 1, 2004, for presentation to the Governor's Council on Families and that the review be reported to the 59th Legislature, as provided in 5-11-210.

Adopted March 14, 2003

SENATE JOINT RESOLUTION NO. 22

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA SHOWING

CONDITIONAL SUPPORT FOR DRILLING FOR OIL AND GAS IN THE COASTAL PLAIN OF THE ARCTIC NATIONAL WILDLIFE REFUGE; AND PRIORITIZING THE IMPORTANCE OF TURNING TO ALTERNATIVE FUELS, ALTERNATIVE ENERGY SOURCES, TECHNOLOGY IMPROVEMENTS, AND IMPROVEMENTS IN EFFICIENCY AS MEANS OF ENSURING AMERICA'S LONG-TERM ENERGY INDEPENDENCE.

WHEREAS, stable, affordable energy is vital to the economy and security of the people of the State of Montana and the United States of America; and

WHEREAS, the United States has become increasingly dependent on foreign supplies of crude oil to meet our energy needs and is now importing more than 55% of the nation's crude oil needs; and

WHEREAS, dependence on imports is rising and could exceed 65% by the year 2020 due to growth in demand and falling production; and

WHEREAS, the recent events in Venezuela and other international problems have caused uncertainty in the commodities markets about the future supply of oil; and

WHEREAS, these among other factors have resulted in an increase in the price of crude oil to over \$33 per barrel and, with crude oil costs being the largest component of the retail price of petroleum products, has resulted in a significant increase in the national average price of gasoline and has similarly increased the price of other petroleum products vital to the economy of the United States and the lives of its citizens; and

WHEREAS, the U.S. Department of Energy estimates the Coastal Plain of the Arctic National Wildlife Refuge (ANWR) contains between 5.7 and 16 billion barrels of recoverable oil; and

WHEREAS, production from the Coastal Plain of ANWR could produce up to 1.5 million barrels of oil per day for at least 25 years, which is comparable to the volumes the United States is expected to import from Iraq for the next 25 years and which represents nearly 25% of current daily U.S. production, and could save \$14 billion dollars per year in oil imports; and

WHEREAS, ANWR consists of 19 million acres, of which 8 million are classified as wilderness, 9.5 million are designated as national refuge lands, and 8% or 1.5 million acres comprise the Coastal Plain for which the potential for oil and gas production was acknowledged by Congress in the Alaska National Interest Lands Conservation Act of 1980; and

WHEREAS, oil and natural gas development and wildlife are successfully coexisting and advanced technology has greatly reduced the "footprint" of Arctic oil development; and

WHEREAS, the Alaska State AFL-CIO and the Alaska Federation of Natives support responsible oil and gas development on the Coastal Plain of ANWR; and

WHEREAS, environmentally responsible exploration, development, and production of oil on the Coastal Plain of ANWR will provide incomes to federal and state governments and generate jobs and business opportunities for residents in all 50 states; and

WHEREAS, the people of Montana, while in general and qualified support of continued development of fossil fuels, recognize that further development of fossil fuels addresses the short-term needs of our nation's energy independence; and

WHEREAS, the people of Montana agree with the comments of President Bush during the 2003 State of the Union Address that the development of alternative energy sources, which would make America truly independent, is the preferred path for our country; and

WHEREAS, the people of Montana recognize that development of alternative energy sources, including solar, hydrogen, wind, fuel cell, ethanol, and biodiesel fuels, constitutes a preferred alternative to long-term energy development; and

WHEREAS, the people of Montana understand that development of certain alternative energy sources, such as ethanol and biodiesel fuel, would enhance the economic and agricultural base of our great state; and

WHEREAS, the people of Montana further acknowledge that the efficient use of our existing energy resources is a critical and strategic priority in order to ensure our energy independence; and

WHEREAS, America has demonstrated the ability to dramatically reduce the energy consumption in past times of national crisis through fuel efficiency standards for automobiles, installation of industrial efficiency measures, and a conservation ethic among consumers.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the Congress of the United States be urged to take action to stabilize domestic crude oil supplies through facilitating additional production, to decrease our nation's need for foreign oil from undependable sources, to increase federal and state revenue from oil and gas leasing, and, subject to prioritizing those efforts described in subsection (2), to support the economy through addition of good paying jobs by opening the Coastal Plain of the Arctic National Wildlife Refuge to oil and gas leasing and environmentally responsible exploration, development, and production of the petroleum reserves.

(2) That the Congress of the United States be urged to:

(a) increase support for development of new sources of renewable energy, such as biofuels (including biodiesel and ethanol), wind, and solar;

(b) pursue development and use of fuel efficient vehicles and development of new technologies such as fuel cells and other potential applications of emerging hydrogen technology; and

(c) develop programs and standards to encourage efficient use of existing resources in transportation, industrial and commercial processes, and consumer end uses.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Governor, the Montana Congressional Delegation, the Speaker of the U.S. House of Representatives, the President of the U.S. Senate, and the U. S. Secretary of the Interior.

Adopted April 12, 2003

SENATE JOINT RESOLUTION NO. 23

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ASSIGNING

HOLDOVER SENATORS FOR THE TRANSITION TO THE NEW REDISTRICTING PLAN.

WHEREAS, the assignment of holdover senators to districts that they will represent after the transition to the new redistricting plan is the responsibility of the Legislature as provided in Chapter 4, Laws of 2003, and [LC2157]; and

WHEREAS, after consideration of the current districts and the Senators who were elected and their respective residences, these assignments are the default assignments based on the Districting and Apportionment Plan submitted February 5, 2003, that is currently under litigation, in the event that it becomes law; and

WHEREAS, if the Districting and Apportionment Plan as submitted is invalid and a new plan must be drawn, the Legislature reserves its right to make new assignments based on a resubmitted plan that satisfies the legal requirements; and

WHEREAS, this resolution will serve as the vehicle for the transition to a new redistricting plan for the Senate of the 2005 Legislature.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the following Senators be assigned to the Senate Districts for the composition of the 2005 Legislature, by New Senate District Number, Holdover Senate District Number, and Incumbent Senator:

- (1) Senate District 1, Senate District 41, Aubyn Curtiss;
- (2) Senate District 4, Senate District 39, Gregory Barkus;
- (3) Senate District 5, Senate District 38, Bob Keenan;
- (4) Senate District 8, Senate District 43, Glenn Roush;
- (5) Senate District 11, Senate District 21, Trudi Schmidt;
- (6) Senate District 12, Senate District 23, Jeff Mangan;
- (7) Senate District 13, Senate District 24, Joe Tropila;
- (8) Senate District 14, Senate District 44, Jerry Black;
- (9) Senate District 16, Senate District 46, Ken Hansen;
- (10) Senate District 17, Senate District 45, Jon Tester;
- (11) Senate District 20, Senate District 1, Keith Bales;
- (12) Senate District 23, Senate District 4, Kelly Gebhardt;
- (13) Senate District 26, Senate District 9, Brent Cromley;
- (14) Senate District 27, Senate District 7, John Bohlinger;
- (15) Senate District 29, Senate District 11, Dan McGee;
- (16) Senate District 30, Senate District 12, Robert Story, Jr.;
- (17) Senate District 31, Senate District 13, John Esp;
- (18) Senate District 33, Senate District 14, Mike Wheat;
- (19) Senate District 35, Senate District 16, Gary Perry;
- (20) Senate District 39, Senate District 20, Duane Grimes;
- (21) Senate District 40, Senate District 26, Mike Cooney;
- (22) Senate District 43, Senate District 28, Sherm Anderson;

- (23) Senate District 44, Senate District 30, Rick Laible;
- (24) Senate District 48, Senate District 34, Carolyn Squires; and
- (25) Senate District 49, Senate District 33, Jon Ellingson.

Adopted April 5, 2003

SENATE JOINT RESOLUTION NO. 24

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE UNITED STATES CONGRESS TO AUTHORIZE A FEASIBILITY STUDY AND DEMONSTRATION PROJECT TO CONSIDER TRANSFERRING FEDERAL FUNDS ALLOCATED TO THE STATE OF MONTANA FOR DISTRIBUTION TO MONTANA'S AMERICAN INDIANS AS A MEANS OF PROVIDING BENEFITS TO SUPPORT TRIBAL PROGRAMS DIRECTLY TO MONTANA'S FEDERALLY RECOGNIZED TRIBAL GOVERNMENTS IN THE FORM OF DIRECT PAYMENTS INSTEAD OF TRANSFERRING FUNDS THROUGH A STATE AGENCY.

WHEREAS, the United States Supreme Court has recognized that the United States Constitution grants Congress exclusive authority over Indian tribes and has repeatedly acknowledged that a special trustee-beneficiary relationship exists between the federal government and the tribes; and

WHEREAS, as a trustee for all Indian tribes, the federal government has a legal and moral obligation to fulfill its treaty commitments to protect and enhance Indian lands, resources, and tribal governments and to provide those services necessary to protect the social well-being of Indian people; and

WHEREAS, the practice of transferring federal funds to state governments and requiring distribution of federal funds to tribal governments and Indian people through state agencies or state programs unfairly shifts many of the federal government's trustee responsibilities to the state, interferes with tribal sovereignty, and restricts each tribe or tribes from providing benefits and programs based on what tribal governments determine to be in the best interests of their members; and

WHEREAS, a feasibility study will enhance the ability to provide direct funding to federally recognized tribal governments in Montana and will provide for an orderly transition in federal funding practices.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the United States Congress be requested to authorize a feasibility study and demonstration project to consider transferring federal funds allocated to the State of Montana for distribution to Montana's American Indians as a means of providing benefits to support tribal programs directly to Montana's federally recognized tribal governments in the form of direct payments instead of transferring funds through a state agency.

BE IT FURTHER RESOLVED, that the feasibility study consider the following issues associated with changing payment methods to make direct payments to Montana's federally recognized tribal governments:

- (1) the probable effects on specific programs and program beneficiaries;
- (2) statutory, regulatory, or other impediments;

(3) probable costs or savings; and

(4) other issues identified in consultation with Montana's federally recognized tribal governments.

BE IT FURTHER RESOLVED, that the feasibility study focus on the development of a direct funding demonstration project for appropriate federal programs, services, functions, and activities of various federal agencies.

BE IT FURTHER RESOLVED, that the feasibility study and demonstration project be implemented jointly by the State of Montana, the federal government, and Montana's federally recognized Indian tribes through government-to-government consultation.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the Montana Congressional Delegation, to the United States Senate Committee on Indian Affairs, to each tribal government located on the seven Montana reservations, and to the Little Shell Band of Chippewa.

Adopted April 8, 2003

SENATE JOINT RESOLUTION NO. 25

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA STRONGLY URGING THAT TAIWAN BE PERMITTED APPROPRIATE AND MEANINGFUL PARTICIPATION IN ACTIVITIES OF THE WORLD HEALTH ORGANIZATION.

WHEREAS, direct and unobstructed participation in international health cooperation forums and programs is crucial for all parts of the world, especially with today's greater potential for cross-border spread of various infectious diseases; and

WHEREAS, Taiwan's achievements in the field of health are substantial, including one of the highest life expectancy levels in Asia, maternal and infant mortality rates comparable to those of western countries, the eradication of the infectious diseases of cholera, smallpox, and the plague, and being the first Asian nation to eradicate polio and the first country in the world to provide children with free hepatitis B vaccinations; and

WHEREAS, the United States Centers for Disease Control and Prevention and its Taiwanese counterpart have enjoyed close collaboration on a wide range of public health issues; and

WHEREAS, in recent years Taiwan has expressed a willingness to financially and technically assist the international aid and health activities supported by the World Health Organization; and

WHEREAS, Taiwan's population of 23 million people is larger than that of 75% of the World Health Organization member states; and

WHEREAS, the United States, in the 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations; and

WHEREAS, Taiwan's participation in the activities of the World Health Organization could bring many benefits to the state of health not only in Taiwan but also regionally and globally.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Montana Legislature strongly urge that Taiwan be permitted appropriate and meaningful participation in the activities of the World Health Organization.

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the President of the United States, the Montana Congressional Delegation, the Director General of the Taipei Economic and Cultural Office in Seattle, and the World Health Organization.

Adopted March 19, 2003

SENATE JOINT RESOLUTION NO. 26

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA STRONGLY URGING THE UNITED STATES CONGRESS TO APPROPRIATE JUST COMPENSATION TO THE STATE OF MONTANA FOR THE IMPACT OF FEDERAL LAND OWNERSHIP ON THE STATE'S ABILITY TO FUND PUBLIC EDUCATION.

WHEREAS, for many years western states have grappled with the challenge of providing the best education for their citizens; and

WHEREAS, western states face unique challenges in achieving this goal; and

WHEREAS, from 1979 to 1998, the percentage change in expenditures per pupil in 13 western states was 28% compared to 57% in the remaining states; and

WHEREAS, in 2000 and 2001, the pupil-to-teacher ratio in 13 western states averaged 17.9 to 1 compared with 14.8 to 1 in the remaining states; and

WHEREAS, the conditions in western states are exacerbated by projections that enrollment will increase by an average of 7.1% compared to an average decrease of 2.6% in the rest of the nation; and

WHEREAS, despite the wide disparities in expenditures per pupil and pupil-to-teacher ratio, western states tax at a comparable rate and allocate as much of their budgets to public education as the rest of the nation; and

WHEREAS, the ability of western states to fund education is directly related to federal ownership of state lands; and

WHEREAS, the federal government owns an average of 51.9% of the land in 13 western states compared to 4.1% in the remaining states; and

WHEREAS, the enabling acts of most western states promise that 5% of the proceeds from the sale of federal lands will go to the states for public education; and

WHEREAS, a federal policy change in 1977 ended these sales, resulting in an estimated \$14 billion in lost public education funding for western states; and

WHEREAS, the ability of western states to fund public education is further impacted by the fact that state and local property taxes, which public education heavily relies upon to fund education, cannot be assessed on federal lands; and

WHEREAS, the estimated annual impact of this property tax prohibition on western states is over \$4 billion; and

WHEREAS, the federal government shares only half of its royalty revenue with the states; and

WHEREAS, royalties are further reduced because federal lands are less likely to be developed, and federal laws often place stipulations on the use of state royalty payments; and

WHEREAS, the estimated annual impact of royalty payment policies on western states is over \$1.86 billion; and

WHEREAS, much of the land that the federal government transferred to states upon statehood as a trust for public education is difficult to administer and to make productive because it is surrounded by federal land; and

WHEREAS, federal land ownership greatly hinders the ability of western states to fund public education; and

WHEREAS, the federal government should compensate western states for the significant impact federal land ownership has on the ability of western states to educate their citizens; and

WHEREAS, just compensation will allow western states to be on equal footing with the rest of the nation in their efforts to provide education for their citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Montana Legislature strongly urge the United States Congress to appropriate just compensation to the State of Montana for the impact of federal land ownership on the State's ability to fund public education.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the Montana Congressional Delegation.

Adopted April 5, 2003

SENATE JOINT RESOLUTION NO. 27

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING THE BOARD OF DIRECTORS OF THE CHARLES M. BAIR FAMILY TRUST TO KEEP THE CHARLES M. BAIR FAMILY MUSEUM OPEN AND OPERATIONAL AT ITS CURRENT LOCATION IN THE BAIR FAMILY HOME IN MARTINSDALE IN MEAGHER COUNTY.

WHEREAS, the Charles M. Bair Family Museum is a historical treasure to the State of Montana; and

WHEREAS, maintaining the Bair family collection at its original location in the Charles M. Bair Family Museum in Martinsdale, Montana, is vital in order to maintain the value and integrity of the collection; and

WHEREAS, because the Charles M. Bair Family Museum is a major resource, extending culturally and economically beyond Meagher and Wheatland Counties and the State of Montana.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Charles M. Bair Family Trust be urged to keep the Charles M. Bair Family Museum open and operational at its current location at the Bair family home in the city of Martinsdale in Meagher County for the historical benefit and enjoyment of all citizens of the State of Montana, the nation, and the world.

BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the board of directors of the Charles M. Bair Family Trust.

Adopted April 5, 2003

SENATE JOINT RESOLUTION NO. 29

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE LEGISLATIVE COUNCIL TO DESIGNATE AN APPROPRIATE INTERIM COMMITTEE OR DIRECT STAFF RESOURCES TO STUDY THE TAXATION OF CENTRALLY ASSESSED PROPERTIES, WITH A FOCUS ON UTILITIES AND UTILITY PROPERTIES.

WHEREAS, electric deregulation at the wholesale level has had a dramatic effect on electric markets; and

WHEREAS, some electrical generation facilities in Montana have been sold and are now dedicated to the unregulated market; and

WHEREAS, other electrical generation facilities in Montana are owned by regulated, vertically integrated utilities; and

WHEREAS, major electrical generation companies in Montana have repeatedly filed appeals on their property taxes; and

WHEREAS, the rationale for the taxing of existing electrical generation was predicated on a vertically integrated utility system.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to study the taxation of centrally assessed properties, with a focus on utilities and utility properties.

BE IT FURTHER RESOLVED, that the interim committee or the staff examine the department of revenue's method for valuating electrical generation property and gather enough information to determine whether methods differ among regulated utilities, exempt wholesale generators, and other centrally assessed properties.

BE IT FURTHER RESOLVED, that, if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2004.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 59th Legislature.

Adopted April 24, 2003

SENATE JOINT RESOLUTION NO. 31

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THAT THE LEGISLATIVE COUNCIL DESIGNATE AN APPROPRIATE INTERIM COMMITTEE OR DIRECT STAFF RESOURCES TO STUDY ELEMENTS OF MONTANA'S JUVENILE JUSTICE SYSTEM REGARDING JUVENILE PROBATION AND TO DETERMINE WHETHER ANY CHANGES IN ITS ADMINISTRATION ARE APPROPRIATE.

WHEREAS, the Department of Corrections is responsible for administering elements of the juvenile justice system that include juvenile correctional facilities, juvenile parole officers and programs, licensure of juvenile detention facilities, and juvenile placement funds; and

WHEREAS, the Supreme Court is responsible for administering elements of the juvenile justice system that include Youth Courts and juvenile probation officers and programs; and

WHEREAS, the juvenile probation system is fragmented and operates differently in each of the 22 judicial districts with a certain degree of autonomy and without uniform policies and procedures; and

WHEREAS, the juvenile probation system may be able to operate more efficiently and effectively if it were unified under a single administrative body with responsibility to develop and administer uniform policies and procedures; and

WHEREAS, other state and local agencies, such as the Departments of Justice and Public Health and Human Services, schools, and local governments, provide funding and services for juveniles and interact with juvenile probation and with other elements of the juvenile justice system in the Department of Corrections; and

WHEREAS, a study of the juvenile justice system is necessary to determine whether the appropriate administration of juvenile probation officers and programs within the juvenile justice system is in the Department of Corrections or the Supreme Court.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to review the juvenile justice system regarding juvenile probation to determine whether changes may be appropriate. The study must include:

(1) an examination of the various elements of the juvenile justice system and how it operates, including the different administrative bodies within the Executive and Judicial Branches of government and their respective roles within the system;

(2) an examination of the operation of the juvenile justice system in other states;

(3) an examination specifically of juvenile probation programs and the appropriate body to administer juvenile probation programs and provide management and oversight of juvenile probation officers and a determination of the advisability of creating uniform policies and procedures within juvenile probation; and

(4) any other aspect of the administration of juvenile justice in Montana that is determined to be appropriate.

BE IT FURTHER RESOLVED, that the study committee or staff be directed to request information and staff assistance from the Legislative Fiscal Division and the Executive and Judicial Branches of government.

BE IT FURTHER RESOLVED, that the committee or staff be directed to develop a specific list of options for consideration, including an option of no action, to be considered for recommendation to the 59th Legislature.

BE IT FURTHER RESOLVED, that, if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2004.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 59th Legislature.

Adopted April 23, 2003

SENATE JOINT RESOLUTION NO. 32

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA REQUESTING THE LEGISLATIVE COUNCIL TO APPOINT AN INTERIM COMMITTEE OR DIRECT STAFF RESOURCES TO STUDY THE COSTS AND AVAILABILITY OF LIABILITY INSURANCE FOR HEALTH CARE FACILITIES AND HEALTH CARE PROVIDERS ASSOCIATED WITH HEALTH CARE FACILITIES; AND REQUIRING A REPORT OF THE FINDINGS OF THE STUDY TO THE 59TH LEGISLATURE.

WHEREAS, many health care providers in Montana are alarmed at the rising cost of liability insurance; and

WHEREAS, the Legislature has determined that a shortage of health care providers in the state and an inability to attract health care providers to the state would pose a serious threat to the health, welfare, and safety of the people of the state; and

WHEREAS, the number of insurance carriers that provide liability insurance for hospitals, clinics, and nursing homes has declined significantly in the past few years; and

WHEREAS, dramatic hikes in the prices paid by hospitals, clinics, and nursing homes for liability insurance, in some cases by as much as 1,000% over

the past 2 years, may be a major contributor to the escalation in the cost of providing medical treatment; and

WHEREAS, increased premiums for liability insurance for health care facilities and health care providers associated with health care facilities may be forcing physicians and other providers in Montana to consider curtailing certain medical services; and

WHEREAS, the State of Montana has a compelling state interest in ensuring that affordable health care is available for its citizens, and stabilization of premiums for liability insurance for health care facilities and health care providers associated with health care facilities will contribute toward cost containment for health care for Montana citizens.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the Legislative Council be requested to designate an appropriate interim committee, pursuant to section 5-5-217, MCA, or direct sufficient staff resources to study the costs and availability of liability insurance for health care facilities and health care providers associated with health care facilities. The study must include:

- (1) a review of measures adopted by other states to address the liability insurance problems related to liability insurance for health care facilities and health care providers associated with health care facilities;
- (2) strategies for increasing availability of affordable liability coverage, including alternative sources of liability coverage;
- (3) the factors affecting the cost of liability insurance for health care facilities and health care providers associated with health care facilities; and
- (4) strategies for resolving liability claims outside of the court system.

BE IT FURTHER RESOLVED, that the study committee or staff be directed to request information and assistance from representatives of the insurance industry related to professional liability insurance for health care facilities and health care providers associated with health care facilities, medical services facilities and providers, associations of trial and defense attorneys, and other interested persons.

BE IT FURTHER RESOLVED, that the committee or staff be directed to develop a specific list of options for consideration, including an option of no action, to be considered for recommendation to the 59th Legislature.

BE IT FURTHER RESOLVED, that, if the study is assigned to staff, any findings or conclusions be presented to and reviewed by an appropriate committee designated by the Legislative Council.

BE IT FURTHER RESOLVED, that all aspects of the study, including presentation and review requirements, be concluded prior to September 15, 2004.

BE IT FURTHER RESOLVED, that the final results of the study, including any findings, conclusions, comments, or recommendations of the appropriate committee, be reported to the 59th Legislature.

Adopted April 24, 2003

Senate Resolutions

SENATE RESOLUTION NO. 1

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA
REVISING AND ADOPTING THE SENATE RULES.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE
STATE OF MONTANA:

That the following rules be adopted:

RULES OF THE MONTANA SENATE

CHAPTER 1

Administration

S10-10. Officers of the Senate. The officers of the Senate are the officers listed and elected in accordance with Title 5, chapter 2, part 2, MCA.

S10-20. Term of office. The term of office for the officers and employees of the Senate established by law is until the succeeding Legislature is organized. This rule may not be construed to mean the staff will be full-time employees during an interim.

S10-30. President pro tempore and other officers. (1) The Senate shall, at the beginning of each regular session, and at other times as may be necessary, elect a Senator President pro tempore.

(2) The Senate shall choose its other officers and is the judge of the elections, returns, and qualifications of the Senators.

S10-40. Voting by presiding officer. Any Senator, when acting as presiding officer of the Senate, shall vote as any other Senator.

S10-50. Presiding officer and duties. (1) The presiding officer of the Senate is the President of the Senate, who must be chosen in accordance with law.

(2) The President shall take the chair on every legislative day at the hour to which the Senate adjourned at the last sitting.

(3) The President may name a Senator to perform the duties of the chair when the President pro tempore is not present in the Senate chamber. The Senator who is named is vested during that time with all the powers of the President.

(4) The President has general control over the assignment of rooms for the Senate and shall preserve order and decorum. The President may order the galleries and lobbies cleared in case of disturbance or disorderly conduct.

(5) The President shall issue cards to the media to allow floor access, and reporters holding the cards are subject to placement on the floor by the President. The President may administer this rule through the office of the Secretary of the Senate.

(6) The President shall sign all necessary certifications of the Senate, including enrolled bills and resolutions, journals, subpoenas, and payrolls. The President's signature must be attested by the Secretary of the Senate.

(7) The President shall approve the calendar for each legislative day.

(8) The President is the chief administrative officer of the Senate, with authority for the general supervision of all Senate employees. The President may seek the advice and counsel of the Legislative Administration Committee.

(9) The President of the Senate is the authorized approving authority of the Senate during the term of election to that office.

(10) The President shall refer bills to committee upon introduction or reception in the office of the Secretary of the Senate.

S10-60. Succession. (1) In case of the absence or disqualification of the President, the President pro tempore of the Senate shall perform the duties of the President until the vacancy is filled or the disability removed.

(2) Whenever the President pro tempore of the Senate is of the opposite political party from that of the President, the following procedure applies:

(a) If the President dies while in office, the members of the President's political party have the right to immediately nominate and elect an acting President of the same party.

(b) If the President is absent for 2 or more legislative days or at any time after the 85th legislative day or at any time during special session of the Legislature but able and desirous of appointing an acting President to act when the President is absent, the President may do so, or the members of the President's political party have the right to immediately nominate and elect an acting President of the same party.

(c) An acting President of the Senate has the powers of the President and supersedes the powers of the President pro tempore.

S10-70. President-elect. The President-elect nominated by the appropriate party caucus held in accordance with section 5-2-201, MCA, has the responsibility and authority to assume the duties of President of the Senate.

S10-80. Legislative Administration Committee duties. (1) The Legislative Administration Committee shall consider matters relating to legislative administration, staffing patterns, budgets, equipment, operations, and expenditures.

(2) The committee has authority to act in the interim to prepare for future legislative sessions.

(3) The committee shall approve contracts for purchase or lease of equipment and supplies for the Senate, subject to the approval of the President.

(4) The committee shall consider disputes or complaints involving the competency or decorum of legislative employees referred to it by the President and recommend dismissal, suspension, or retention of employees.

(5) The chair of the Legislative Administration Committee may, upon approval of the President, have purchase orders and requisitions prepared and forwarded to the accounting office in the Legislative Services Division.

S10-90. Senate employees. (1) In addition to the employees appointed by the President in accordance with section 5-2-221, MCA, the Senate shall employ

staff recommended by the leadership and the Legislative Administration Committee as necessary to perform the functions of the Senate.

(2) A standing committee chair shall designate a secretary to take and transcribe minutes of committee meetings. A committee secretary is immediately responsible to the chair, but shall work under the overall direction of the Secretary of the Senate, subject to authority of the committee chair.

(3) (a) The President and floor leaders may each appoint a private secretary.

(b) The whips may each appoint a private secretary whose duties will include assisting other staff on an assigned basis when authorized by the secretary's respective whip.

S10-100. Secretary of the Senate and duties. The Secretary of the Senate works under the direction of the President. The responsibilities of the Secretary of the Senate include:

(1) performing the duties prescribed by law or other provisions of these rules;

(2) serving as parliamentary advisor to the Senate;

(3) compiling and maintaining the calendar for approval by the President;

(4) keeping the leadership informed on the progress and workload of the Senate;

(5) transmitting bills with appropriate messages to the House of Representatives as instructed by action of the Senate;

(6) keeping and maintaining records of the Senate; and

(7) supervision of the Senate employees, except as otherwise provided.

S10-110. Sergeant-at-Arms duties. Under the direction of the President, the Sergeant-at-Arms shall:

(1) maintain order as directed by the President or chair of the Committee of the Whole;

(2) enforce the lobbying rules of the Senate;

(3) supervise the employees assigned to the Sergeant's office;

(4) receive, distribute, and maintain supplies, equipment, and other inventory of the Senate, along with records of purchase and disposal in accordance with law;

(5) perform duties as required by other rules and the Senate.

S10-120. Legislative aides. Each Senator may designate one person of legal age to serve as an aide during the session. Exceptions to this policy may be approved by the Rules Committee. The Senator shall register an aide with the Secretary of the Senate and arrange for the purchase of a name tag with the Sergeant-at-Arms.

S10-130. Senate journal. (1) The Senate shall keep and authenticate a journal of its proceedings as required by law and the rules.

(2) The Secretary of the Senate will supervise the preparation of the journal under the direction of the President.

(3) In addition to the proceedings required by law to be recorded, the journal must include:

(a) committee reports;

- (b) every motion, the name of the Senator presenting it, and its disposition;
 - (c) the introduction of legislation in the Senate;
 - (d) consideration of legislation subsequent to introduction;
 - (e) roll call votes;
 - (f) messages from the Governor and the House of Representatives;
 - (g) every amendment, the name of the Senator presenting it, and its disposition;
 - (h) the names of Senators and their votes on any question upon a request by two Senators before a vote is taken; and
 - (i) any other records the Senate directs by rule or action.
- (4) The Secretary of the Senate shall provide information that may be necessary for the preparation of the daily journal for printing by the Legislative Services Division. Upon approval by the President, the daily journal must be reproduced and distributed.
- (5) Any Senator may examine the daily journal and propose corrections. Without objection by the Senate, the President may direct the correction to be made.
- (6) The President shall authenticate the original daily journal, from time to time, and the Secretary of the Senate shall, as appropriate, deliver it to the Legislative Services Division to be prepared for publication and distribution in accordance with law.

CHAPTER 2

Decorum

S20-10. Questions of order. The President of the Senate shall decide all questions of order, subject to an appeal by any Senator seconded by two other Senators. A Senator may not speak more than once on an appeal without the consent of a majority of the Senate.

S20-20. Questions of privilege. (1) Questions of privilege in order of precedence are those:

(a) affecting the collective rights, safety, dignity, or integrity of the proceedings of the Senate; and

(b) affecting the rights, reputation, or conduct of individual Senators in their capacity as Senators.

(2) A Senator may not address the Senate on a question of privilege between the time:

(a) an undebatable motion is offered and the vote is taken on the motion;

(b) the previous question is ordered and the vote is taken on the proposition included under the previous question; or

(c) a motion to lay on the table is offered and the vote is taken on the motion.

S20-30. Recognition by chair. A Senator desiring to speak shall rise and address the presiding officer and, once being recognized, shall speak standing in place. The presiding officer may grant permission for a speaker to speak from elsewhere in the chamber. When two or more Senators rise at the same time, the presiding officer shall name the order of the speakers.

S20-40. Senators called to order. When a Senator has been called to order, the Senator shall sit down until the presiding officer determines whether the Senator is in order or not. If the Senator is called to order for words spoken in debate, the language excepted to must be taken down in writing by the Secretary of the Senate.

S20-50. Communications to Senate. A communication to the Senate must be addressed to the President and must bear the name of the person submitting it. The President shall decide if the communication bears including in the calendar.

S20-60. Floor privileges. (1) When the Senate is in session no person is permitted in the chambers except:

- (a) legislators;
 - (b) legislative officers and employees whose presence is necessary for the conduct of business of the session;
 - (c) accredited members of the news media; and
 - (d) former legislators (not currently registered as lobbyists).
- (2) The President may make exceptions for visiting dignitaries.
- (3) Beginning 1 hour before and ending one-half hour after adjournment, no person is permitted in the chambers except those authorized as exceptions under subsection (1).

S20-70. Distribution of materials on floor. Materials may not be distributed on the Senators' desks in the chamber unless the material bears the signature of the bearer and a Senator and has been approved by the President.

S20-80. Violation of rules. (1) If a Senator, in speaking or otherwise, violates the rules of the Senate, the President shall, or the majority or minority floor leader may, call the Senator to order, in which case the Senator called to order must be seated immediately.

(2) The Senator called to order may move for an appeal to the Senate, and if the motion is seconded by two Senators, the matter must be submitted to the Senate for determination by majority vote. The motion is nondebatable.

(3) If the decision of the Senate is in favor of the Senator called to order, the Senator may proceed. If the decision is against the Senator, the Senator may not proceed.

(4) If a Senator is called to order, the matter may be referred to the Rules Committee by the minority or majority leader. The Committee may recommend to the Senate that the Senator be censured or be subject to other action. The Senate shall act upon the recommendation of the Committee.

CHAPTER 3

Committees

S30-10. Committee appointments. (1) The Senate shall elect a Committee on Committees consisting of six members. If the Senate is evenly divided between parties, the committee shall consist of six Senators, three from each party.

(2) The Committee on Committees shall, with the approval of the Senate, appoint the members of Senate standing committees, select committees, and joint committees.

(3) The President of the Senate shall appoint all conference committees and special committees, with the advice of the floor leaders.

(4) The Senate may change the membership of any committee on 1 day's notice.

S30-20. Standing committees. The standing committees of the Senate are as follows:

- (1) Agriculture, Livestock, and Irrigation
- (2) Business and Labor
- (3) Education and Cultural Resources
- (4) Energy and Telecommunications
- (5) Ethics
- (6) Finance and Claims
- (7) Fish and Game
- (8) Highways and Transportation
- (9) Judiciary
- (10) Legislative Administration
- (11) Local Government
- (12) Natural Resources
- (13) Public Health, Welfare, and Safety
- (14) Rules
- (15) State Administration
- (16) Taxation

S30-30. Members of Select Committee on Long-Range Planning. Members of the Select Committee on Long-Range Planning may participate and vote as members of the Finance and Claims Committee on issues considered by them as members of the select committee.

S30-40. Ex officio members — quorum. (1) A quorum of a committee is a majority of the members of the committee. A quorum of a committee must be present at a meeting to act officially. A quorum of a committee may transact business, and a majority of the quorum, even though it is a minority of the committee, is sufficient for committee action.

(2) Each floor leader is an ex officio member of all committees in order to establish a quorum.

S30-50. Chair's duties. (1) The chair of a committee is the presiding officer of that committee and is responsible for:

- (a) maintaining order within the committee room and its environs;
 - (b) scheduling hearings and executive action;
 - (c) supervising committee work, including the appointment of subcommittees to act on a formal or informal basis; and
 - (d) authenticating committee reports and minutes by signing them and submitting them promptly to the Secretary of the Senate.
- (2) After adjournment of the session, the chair shall turn the original and two complete copies of the minutes over to the Secretary of the Senate who shall

deliver them unbound to the Legislative Services Division librarian who will arrange to have them copied in an electronic format. An electronic copy will be provided to the Legislative Services Division and the State Law Library of Montana. The original minutes must be delivered to the Montana Historical Society.

S30-60. Meetings. (1) All meetings of committees must be open to the public at all times, subject always to the power and authority of the chair to maintain safety, order, and decorum. The date, time, and place of committee meetings must be announced.

(2) A committee or subcommittee may be assembled for:

(a) a public hearing at which testimony is to be heard and at which official action may be taken on bills, resolutions, or other matters;

(b) a formal meeting at which the committees may discuss and take official action on bills, resolutions, or other matters without testimony; or

(c) a work session at which the committee may discuss bills, resolutions, or other matters but take no formal action.

(3) All committees meet at the call of the chair or upon the request of a majority of the members of the committee.

(4) All committees shall provide for and give public notice, reasonably calculated to give actual notice to interested persons, of the time, place, and subject matter of regular and special meetings. All committees are encouraged to provide at least 3 legislative days' notice to members of committees and the general public. However, subject to S30-120, a meeting may be held upon notice appropriate to the circumstances.

(5) A committee may not meet during the time the Senate is in session without leave of the President. Any Senator attending a meeting while the Senate is in session must be considered excused to attend business of the Senate subject to a call of the Senate.

(6) All meetings of committees must be recorded and the minutes must be available to the public within a reasonable time after the meeting. The official record must contain at least the following information:

(a) the time and place of each meeting of the committee;

(b) committee members present, excused, or absent;

(c) the names and addresses of persons appearing before the committee, whom each represents, and whether the person is a proponent, opponent, or other witness;

(d) all motions and their disposition;

(e) the results of all votes; and

(f) all testimony and exhibits.

(7) If a bill is heard in a joint committee, it must be referred to a standing committee. The standing committee is not required to hold an additional hearing but may report the bill to the committee of the whole.

S30-70. Procedures. (1) The chair shall notify the sponsor of any bill pending before the committee of the time and place it will be considered.

(2) A standing or select committee may not hear legislation unless the sponsor or one of the cosponsors is present or unless the sponsor has given written consent.

(3) (a) Subject to subsection (3)(b), the committee shall act on each bill in its possession:

(i) by reporting the bill out of the committee:

(A) with the recommendation that it be referred to another committee;

(B) favorably as to passage; or

(C) unfavorably; or

(ii) by indefinitely postponing or tabling the measure in committee.

(b) At the written request of the sponsor, a committee may finally dispose of a bill without a hearing. Except as provided in S30-60(7), a bill may not be reported from a committee without a hearing.

(4) The committee may not report a bill to the Senate without recommendation.

(5) In reporting a measure out of committee, a committee shall include in its report:

(a) the measure in the form reported out;

(b) the recommendation of the committee;

(c) an identification of all substantive changes; and

(d) a fiscal note, if required.

(6) If a measure is taken from a committee and brought to the Senate floor for debate on second reading on that day without a committee recommendation, the bill does not include amendments formally adopted by the committee.

(7) A second to any motion offered in a committee is not required in order for the motion to be considered by the committee.

(8) The vote of each member on all committee actions must be recorded and reported in the committee minutes. All motions may be adopted only on the affirmative vote of a majority of the members voting.

(9) A motion to take a bill from the table may be adopted by the affirmative vote of a majority of the members present at any meeting of the committee.

(10) An action formally taken by a committee may not be altered in the committee except by reconsideration and further formal action of the committee.

(11) A committee may reconsider any action as long as the matter remains in the possession of the committee. A bill is in the possession of the committee until a report on the bill is made to the committee of the whole. A committee member need not have voted with the prevailing side in order to move reconsideration.

(12) The chair shall decide points of order.

(13) The privileges of committee members include the following:

(a) to participate freely in committee discussions and debate;

(b) to offer motions;

(c) to assert points of order and privilege;

(d) to question witnesses upon recognition by the chair;

(e) to offer any amendment to any bill; and

(f) to vote, either by being present or by proxy, using a standard form.

(14) Any meeting of a committee held through the use of telephone or other electronic communication must be conducted in accordance with Chapter 3 of the Senate Rules.

(15) A committee may consolidate into one bill any two or more related bills referred to it whenever legislation may be simplified by the consolidation.

(16) Committee procedure must be informal, but when any questions arise on committee procedure, the rules or practices of the Senate are applicable except as stated in the Senate Rules.

S30-80. Public testimony. (1) Testimony from proponents, opponents, and informational witnesses must be allowed on every bill or resolution before a standing or select committee. All persons, other than the sponsor, offering testimony shall complete a "Witness Form" and submit it to the committee secretary.

(2) Any person wishing to offer testimony to a committee hearing a bill or resolution must be given a reasonable opportunity to do so, orally or in writing, subject to time constraints. Written testimony may not be required of any witness, but all witnesses must be encouraged to submit a statement in writing for the committee's official record.

(3) The chair may order the committee room cleared of visitors if there is disorderly conduct. During committee meetings, visitors may not speak unless called upon by the chair. Restrictions on time available for testimony may be announced.

(4) The number of people in a committee room may not exceed the maximum posted by the State Fire Marshall. The chair shall maintain that limit.

(5) In any committee meeting, the use of cameras, television, radio, or any form of telecommunication equipment is allowed, but the chair may designate the areas of the hearing room from which the equipment must be operated. Cell phone use is at the discretion of the chair.

S30-90. Committee reports to Senate. (1) Reports of standing committees must be read on Order of Business No. 2, and, subject to subsection (4), debate may not be had on any report unless a minority report has been submitted. A minority report is submitted after a majority report.

(2) Any Senator seeking a reconsideration of the Senate's action on the adoption of a committee report shall do so on Order of Business No. 6 by motion to reconsider. Any Senator may make the reconsideration motion and need not have voted on the prevailing side. This rule applies notwithstanding any joint rule to the contrary. The reconsideration motion must be made within 1 legislative day of the adoption of the committee report.

(3) The Rules Committee and conference committees may report at any time, except during a call of the Senate or when a vote is being taken.

(4) On an adverse committee report, the sponsor may respond to the chair of the committee making the report.

S30-100. Pairs. Pairs in standing committee are prohibited. Standing and select committees may by a majority vote of the committee authorize Senators to vote in absentia while engaged in other legislative business. Authorization for absentee or proxy voting must be reflected in the committee minutes.

S30-110. Committee hearings. (1) A bill or resolution may not be considered or become a law unless referred to a committee and returned from a committee.

(2) A bill may be rereferred at any time before its passage.

S30-120. Notice of committee hearings — exceptions. (1) Notice of a committee hearing must be made by posting the date, time, and subject of the hearing in a conspicuous public place not less than 3 legislative days in advance of the hearing. This 3-day notice requirement does not apply to hearings scheduled:

(a) prior to the 3rd legislative day;

(b) less than 10 legislative days before the transmittal deadline applicable to the subject of the hearing; or

(c) to consider confirmation of a gubernatorial appointment received less than 10 legislative days before the last scheduled day of a legislative session.

(2) When a committee hearing is scheduled with less than 3 days' notice, the committee chair shall use all practical means to disseminate notice of the hearing to the public.

(3) Notice of conference committee hearings must be given as provided in Joint Rule 30-30.

S30-130. Majority/minority reports. If the members of a committee cannot agree on a report, the majority and minority of the committee present at a committee meeting may submit separate reports. Only one minority report may be submitted. The reports must be entered at length on the journal, unless otherwise ordered by the Senate.

S30-140. Reconsideration in committee. Except for the Committee of the Whole, a committee may at any time prior to submitting a report to the Secretary of the Senate reconsider its previous action on legislation.

S30-150. Committee requested legislation. (1) (a) Except as provided in subsection (1)(b), at least three-fourths of all the members of a standing committee must have voted in favor of the question to allow the committee to request the introduction of legislation.

(b) The Finance and Claims Committee may request the introduction of legislation by a majority vote of all of the members of the committee.

(2) The chair of a committee shall introduce, or shall designate a member of the committee to introduce, legislation requested by the committee. The introduced bill must be referred to the requesting committee.

(3) When a committee has proposed an amendment, the chair is the principal sponsor.

S30-160. Ethics Committee. (1) The Ethics Committee shall meet only upon the call of the chair after the referral of an issue from the Rules Committee. The Rules Committee may be convened to consider the referral of a matter to the Ethics Committee upon the request of a Senator. The Rules Committee shall prepare a written statement of the specific question or issue to be addressed by the Ethics Committee. The issues referred to the Ethics Committee must be related to the actions of a Senator during a legislative session.

(2) The matters that may be referred to the Ethics Committee are:

(a) a violation of:

- (i) 2-2-103;
- (ii) 2-2-104;
- (iii) 2-2-111;
- (iv) 2-2-112;

(b) the use or threatened use of a Senator's position for personal or personal business benefit or advantage; or

(c) any other violation of law by a Senator while acting in the capacity of Senator.

(3) If there is a recommendation from the Ethics Committee, the recommendation is made to the Senate.

CHAPTER 4

Legislation

S40-10. Types of legislation. The only types of legislation that may be introduced in the Senate are those that have been drafted and approved by the Legislative Services Division and signed by a Senator. The types of legislation allowed include:

- (1) bills of any subject, except appropriations;
 - (2) joint resolutions, which may:
 - (a) express desire, opinion, sympathy, or request of the Legislature;
 - (b) request an interim study by a legislative subcommittee;
 - (c) adopt or amend the joint rules;
 - (d) set salaries and other terms of employment for legislative employees;
- and
- (e) accomplish other legislative duties required by law; and
 - (3) simple resolutions, which may:
 - (a) adopt or amend Senate rules;
 - (b) provide for the internal affairs of the Senate;
 - (c) express confirmation of the Governor's appointments;
 - (d) make recommendations concerning the districting and apportionment plan as provided by Article V, section 14(4), of the Montana Constitution.

S40-20. Introduction. (1) Upon receiving a bill or resolution from a Senator, the Secretary of the Senate shall assign an appropriate sequential number, which constitutes introduction of the legislation.

(2) Bills and resolutions may be preintroduced, assigned to committee, and printed prior to the legislative session. The Legislative Services Division is responsible for ensuring the preintroduction intent from each Senator and presenting the preintroduced legislation to the Secretary of the Senate.

(3) Upon referral to committee, the Secretary of the Senate shall publicly post a listing of the bill or resolution by a summary of its title, together with a notation of the committee to which it has been assigned.

S40-30. Additional sponsors. (1) Additional sponsors may be added on motion of the chief sponsor at any time prior to a standing committee report on

the bill or resolution. Forms for adding sponsors will be supplied on request by the Secretary of the Senate.

(2) Upon passage of the motion, the names of the additional sponsors will be printed in the journal and the form containing the signatures of the additional sponsors will be forwarded to the Legislative Services Division with the original bill for the inclusion of the names in subsequent printings of the bill or resolution.

S40-40. Reading limitations. (1) Every bill must be read three times prior to passage, either by title or by summary of title as provided in these rules.

(2) A bill or resolution may not have more than one reading on the same day except the last legislative day.

(3) An amendment may not be offered on third reading.

S40-50. Rules for questions requiring other than a majority vote. (1) When a question requires more than a majority vote for final passage, a majority vote is sufficient to decide any question relating to the question prior to third reading.

(2) Any vote in the Senate on a bill proposing an amendment to the Montana Constitution under circumstances in which there exists the mathematical possibility of obtaining the necessary two-thirds vote of the Legislature will cause the bill to progress as though it had received the majority vote. This rule does not prevent a committee from indefinitely postponing or tabling a bill proposing an amendment to the Montana Constitution.

(3) If a bill has been amended in the House of Representatives and the amendments are accepted by the Senate, the bill must again be placed on third reading in the Senate to determine if the required number of votes has been cast.

S40-60. Scheduling for second reading. (1) All bills and resolutions that have been reported by a committee, accepted by the Senate, and reproduced must be scheduled for consideration by Committee of the Whole.

(2) Until the 50th legislative day, 1 day must elapse between receiving the legislation from printing and scheduling for second reading for consideration by Committee of the Whole.

(3) The majority leader shall arrange legislation on the agenda in the order in which the bills will be considered, unless otherwise ordered by the Senate or Committee of the Whole.

CHAPTER 5

Floor Action

S50-10. Attendance. Unless excused, Senators must be present at every sitting of the Senate and shall vote on questions put before the Senate.

S50-20. Orders of business. After prayer, roll call, and report on the journal, the order of business of the Senate is as follows:

- (1) communications and petitions;
- (2) reports of standing committees;
- (3) reports of select committees;
- (4) messages from the Governor;
- (5) messages from the House of Representatives;

- (6) motions;
- (7) first reading and commitment of bills;
- (8) second reading of bills (Committee of the Whole);
- (9) third reading of bills;
- (10) unfinished business;
- (11) special orders of the day; and
- (12) announcement of committee meetings.

To revert to or pass to a new order of business requires only a majority vote. Unless otherwise specified in the motion to recess, the Senate shall revert to Order of Business No. 1 when reconvening after a recess.

S50-30. Limitations on debate. A Senator may not speak more than twice on any one motion or question without unanimous consent of the Senate, unless the Senator has introduced or proposed the motion or question under debate, in which case the Senator may speak twice and also close the debate. However, a Senator who has spoken may not speak again on the same motion or question to the exclusion of a Senator who has not spoken.

S50-40. Procedure upon offering a motion. (1) When a motion is offered it must be restated by the presiding officer. If requested by the presiding officer or a Senator, it must be reduced to writing, presented at the rostrum, and read aloud by the Secretary.

(2) A motion may be withdrawn by the Senator offering it at any time before it is amended or voted upon.

S50-50. Precedence of motions. (1) When a question is under debate only the following privileged and subsidiary motions may be made:

- (a) to adjourn;
- (b) for a call of the Senate;
- (c) to recess;
- (d) question of privilege;
- (e) to lay on the table;
- (f) for the previous question;
- (g) to postpone to a certain day;
- (h) to refer or commit;
- (i) to amend; and
- (j) to postpone indefinitely.

(2) The motions listed in subsection (1) have precedence in the order listed.

(3) A question may be indefinitely postponed by a majority roll call of all Senators present and voting. When a bill or resolution is postponed indefinitely, it is finally rejected and may not be acted upon again except upon a motion of reconsideration.

(4) A motion or proposition on a subject different from that under consideration may not be admitted under color of amendment or substitute.

S50-60. Nondebatable motions. The following motions are not debatable:

- (1) to adjourn;

- (2) for a call of the Senate;
- (3) to recess or rise;
- (4) for parliamentary inquiry;
- (5) for suspension of the rules;
- (6) to lay on the table;
- (7) for the previous question;
- (8) to limit, extend the limits of, or to close debate;
- (9) to amend an undebatable motion;
- (10) to divide a question;
- (11) to pass business in Committee of the Whole;
- (12) to take from the table;

(13) a decision of the presiding officer, unless appealed or unless the presiding officer submits the question to the Senate for advice or decision; and

(14) all incidental motions, such as motions relating to voting or other questions of a general procedural nature.

S50-70. Amending motions. (1) Subject to subsection (2), no more than one amendment and no more than one substitute motion may be made to a motion. This rule permits the main motion and two modifying motions.

(2) A motion for a call of the Senate, for the previous question, to table, or to take from the table may not be amended.

S50-80. Previous question. (1) Except as provided in subsection (2), the effect of calling for the previous question, if adopted, is to close debate immediately, to prevent the offering of amendments or other subsidiary motions, and to bring to vote promptly the immediately pending main question and the adhering subsidiary motions, whether on appeal or otherwise.

(2) When the previous question is ordered on any debatable question on which there has been no debate, the question may be debated for one-half hour, one-half of that time to be given to the proponents and one-half to the opponents. The sponsor of the main motion on which the previous question is adopted may close on the motion.

(3) A call of the Senate is not in order after the previous question is ordered unless it appears upon an actual count by the presiding officer that a quorum is not present.

S50-90. Reconsideration. (1) Any Senator may, on the day the vote was taken or on the next day the Senate is in session, move to reconsider the question. A motion to reconsider is a debatable motion, but the debate is limited to the motion. The debate on a motion to reconsider may not address the substance of the matter for which reconsideration is sought.

(2) A motion to reconsider may not be withdrawn after the next legislative day without the unanimous consent of the Senate, and thereafter any Senator may call it up for consideration. However, a motion to reconsider made after the 54th day of the session must be disposed of when made.

(3) A motion to recall a bill from the House of Representatives constitutes notice to reconsider and must be acted on as a motion to reconsider. A motion to reconsider or to recall a bill from the House of Representatives may be made only

under Order of Business No. 6 and, under that order of business, takes precedence over all motions except motions to recess or adjourn.

(4) When a motion to reconsider is laid on the table, a two-thirds majority is required to take it from the table. When a motion to reconsider fails, the question is finally and conclusively settled.

(5) If a motion to reconsider third reading action is carried, there may not be further action until the succeeding legislative day.

S50-100. Dividing a question. A Senator may move to divide a question if it includes two or more propositions so distinct in substance that if one thing is taken away a substantive question will remain.

S50-110. Conference committee reports. (1) When a conference committee report is filed with the Secretary of the Senate, the report must be read under Order of Business No. 3, select committees, and placed on the calendar the succeeding legislative day for consideration on second reading. If recommended favorably by the Committee of the Whole, it may be considered on third reading the same legislative day.

(2) If both the Senate and the House of Representatives adopt the same conference committee report on legislation requiring more than a majority vote for final passage, the Senate, following approval of the conference committee report on third reading, shall place the final form of the legislation on third reading to determine if the required vote is obtained.

(3) If the Senate rejects a conference committee report, the committee continues to exist unless dissolved by the President or by motion. The committee may file a subsequent report.

(4) A Senate conference committee may confer regarding matters assigned to it with any House conference committee with like jurisdiction and submit recommendations for consideration of the Senate.

S50-120. Second reading. (1) The Senate may resolve itself into a Committee of the Whole for consideration of business on second reading, by approval of a motion for that purpose.

(2) After a Committee of the Whole has been formed, the President shall appoint a chair to preside.

(3) All legislation considered in the Committee of the Whole must be read by a summary of its title. Unless the sponsor requests an opening statement beforehand, proposed amendments must be considered, and then the bill must be considered in its entirety.

(4) Prior to adoption of the Committee of the Whole report, a Senator may move to segregate legislation. If the motion prevails, the legislation remains on second reading.

(5) When a Committee of the Whole report on legislation is rejected, the legislation remains on second reading.

S50-130. Committee of the Whole amendments. (1) All Committee of the Whole amendments must be prepared, stipulating the date and time of preparation and staff approval, and delivered to the Secretary of the Senate for reading before the amendment is voted on.

(2) Each amendment, rejected or adopted, must be printed in the journal, along with the name of the sponsor and the vote on each.

S50-140. Motions in Committee of the Whole. (1) All proper motions on second reading are debatable.

(2) The only motions in order during Committee of the Whole are to:

- (a) amend;
- (b) recommend passage or nonpassage;
- (c) recommend concurrence or nonconcurrence;
- (d) indefinitely postpone;
- (e) pass consideration;
- (f) rise;
- (g) rise and report;
- (h) rise and report progress and ask leave to sit again; or
- (i) change the order in which legislation is placed on the agenda.

S50-150. Committee of the Whole — generally. (1) The Committee of the Whole may not appoint subcommittees.

(2) The Committee of the Whole may not punish its members for misconduct, but may report disorder to the Senate.

S50-160. Voting on second reading. (1) On Order of Business No. 8, in addition to other methods, a recorded vote may be made in the following manner: the chair may call for a voice vote to accept or reject a question. If the vote is other than unanimous, the chair may ask that the lesser number on the question indicate their vote by standing. The Secretary will then record the vote of those standing. The chair may then rule that unless excused those not standing and present have voted on the prevailing side of the question and that their vote be recorded as voting on the prevailing side. If there was a unanimous voice vote, all those present will be recorded as having voted for the question.

(2) A motion on second reading must be disposed of by a positive vote.

S50-170. Third reading procedure. (1) All legislation passing second reading must be placed on third reading the day following the receipt of the engrossing or other appropriate printing report.

(2) On Order of Business No. 9 the Secretary shall read the title and the President shall state the question as follows: "Senate bill number (or other appropriate identification)..... having been read three several times, the question is, shall the bill (or other appropriate identification) pass the Senate?"

(3) If an electronic voting system is used, the President shall state "Those in favor vote yes and those opposed vote no" and the Secretary will sound the signal and open the board for voting. After a reasonable pause the presiding officer asks "Has every member voted?" (reasonable pause), "Does any member wish to change his or her vote?" (reasonable pause), "The Secretary will record the vote."

S50-180. Senate voting — changing a vote. (1) A roll call vote must be taken on the request of two Senators, if the request occurs before the vote is taken.

(2) On a roll call vote the names of the Senators must be called alphabetically, unless an electronic voting system is used. A Senator may not vote after the decision is announced from the chair. A Senator may not explain a vote until after the decision is announced from the chair.

(3) A Senator may move to change the Senator's vote, on any recorded vote, within 1 legislative day of the vote. The Senator making the motion shall first specify the bill number, the date of the vote, and the original vote tally. A vote may not be changed if it would affect the outcome of legislation. The motion is nondebatable. If none of the Senators present object, the change must be entered into the journal.

(4) If any Senator objects to the request in subsection (3), the Senator making the request may move to suspend the rules to allow the Senator to change the Senator's vote.

(5) An error caused by a malfunction of the voting system may be corrected without a vote within 10 minutes of the malfunction.

S50-190. Pairs. (1) Two Senators may pair on a question that will be determined by a majority vote. On a question requiring a two-thirds vote for adoption, three Senators may pair, with two Senators for the question and one Senator against. Pairing is permitted only when one of the paired Senators is excused when the vote is taken.

(2) An agreement to pair must be in writing and dated and signed by the Senators agreeing to be bound and must specify the duration of the pair. When an agreement to pair is filed with the Secretary of the Senate, it binds the Senators signing until the expiration of time for which it was signed, unless the paired Senators sooner appear and ask that the agreement be canceled.

(3) Pairs in Committee of the Whole are prohibited.

S50-200. Call of the Senate. (1) In the absence of a quorum, a majority of Senators present may compel the attendance of absent Senators by ordering a call of the Senate.

(2) If a quorum is present, five Senators may order a call of the Senate.

(3) On a call of the Senate, a Senator who refuses to attend may be arrested by the Sergeant-at-Arms or any other person, as the majority of the Senators present direct. When the attendance of an absent Senator is secured and the Senate refuses to excuse the Senator's absence, the Senator may not be paid any expense payments while absent and is liable for the expenses incurred in procuring the Senator's attendance.

(4) During a call of the Senate, all business must be suspended. After a call has been ordered, no motion is in order except a motion to adjourn or remove the call. The call may be removed by a two-thirds vote.

S50-210. House amendments to Senate legislation. (1) When the House has properly returned Senate legislation with House amendments, the Senate shall announce the amendments on Order of Business No. 5 and the President shall place them on second reading for debate. The President may rerefer Senate legislation with House amendments to a committee for a hearing if the House amendments constitute a significant change in the Senate legislation. The second reading vote is limited to consideration of the House amendments.

(2) If the Senate accepts House amendments, the Senate shall place the final form of the legislation on third reading to determine if the legislation, as amended, is passed or if the required vote is obtained.

(3) If the Senate rejects the House amendments, the Senate may request the House to recede from its amendments or may direct appointment of a conference committee and request the House to appoint a like committee.

S50-220. Governor's amendments. (1) When the Governor returns a bill with recommended amendments, the Senate shall announce the amendments under Order of Business No. 4.

(2) The Senate may debate and adopt or reject the Governor's recommended amendments on second reading on any legislative day.

(3) If both the Senate and the House of Representatives accept the Governor's recommended amendments on a bill that requires more than a majority vote for final passage, the Senate shall place the final form of the legislation on third reading to determine if the required vote is obtained.

S50-230. Governor's veto. (1) When the Governor returns a bill with a veto, the Senate shall announce the veto under Order of Business No. 4.

(2) On any legislative day, a Senator may move to override the Governor's veto by a two-thirds vote under Order of Business No. 6.

CHAPTER 6

Rules

S60-10. Senate rules. (1) A motion to amend or adopt a rule of the Senate must be referred to the Rules Committee without debate. A rule of the Senate may be amended or adopted only with the concurrence of a majority of the Senate and after 1 day's notice.

(2) A rule may be suspended temporarily by a two-thirds vote.

S60-20. Mason's Manual of Legislative Procedure. Mason's Manual of Legislative Procedure (2000) governs the proceedings of the Senate in all cases not covered by these rules.

S60-30. Quorum. A majority of the Senate shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent Senators, in the manner and under penalties as the Senate may prescribe (Montana Constitution, Art. V, Sec. 10(2)).

CHAPTER 7

Nominations from the Governor

S70-10. Nominations. (1) The Governor shall nominate and, by and with the consent of the Senate, appoint all officers whose offices are established by the Montana Constitution or which may be created by law and for whom appointment or election is not otherwise provided.

(2) If during a recess of the Senate a vacancy occurs in any office subject to Senate confirmation, the Governor shall appoint some fit person to discharge the duties of the office until the next meeting of the Senate, when the Governor shall nominate a person to fill the office.

S70-20. Introduction and first reading of nominations. (1) Nominations received from the Governor are:

- (a) received by the President;
- (b) delivered to the Secretary of the Senate;
- (c) read under Order of Business No. 4, messages from the Governor; and
- (d) referred to committee.

(2) The procedure in subsection (1) constitutes introduction and first reading of the nominations.

(3) The Secretary shall distribute a copy of the list of nominations to each Senator.

S70-30. Committee process. (1) (a) The committee shall research each nominee and may request biographical information from the Governor for each nominee if none has been provided.

(b) The committee chair shall submit a bill draft request for a simple resolution to include the nominees specified by the committee chair. These bill draft requests will not count against any bill draft request limit imposed on members. When the resolution has been prepared and introduced, the committee shall hold a hearing on the resolution after appropriate public notice has been made.

(2) Following the hearings, the committee shall issue preliminary standing committee reports to be distributed to each Senator, stating the committee's recommendations concerning the nominees.

(3) (a) If a Senator wishes to have an individual nominee, or group of nominees, considered by the Senate separately from the group of nominees recommended by the committee, the Senator may request of the chair of the committee that the nominee or nominees be considered by a separate resolution.

(b) A Senator shall request separate consideration of a nominee within 3 days of receipt of the preliminary standing committee report. The committee chair shall honor this request.

(4) After waiting 3 days from the day of distribution of the preliminary standing committee report, the committee chair shall issue a final standing committee report and deliver the report to the Secretary of the Senate.

(a) If a nominee is to be separated from the resolution, the final standing committee report must include an amendment deleting that nominee.

(b) When a nominee has been separated at the request of a Senator, the committee chair shall submit a bill draft request for a simple resolution to include only the nominee so separated. When the resolution has been prepared and introduced, the committee shall take executive action on the resolution. When a hearing on the separated nomination was held prior to the committee's preliminary standing committee report, an additional hearing is not required to be held before the committee takes action on the separate resolution. After the committee's executive action, the committee chair shall issue a standing committee report.

(5) If a resolution contains only one nominee, the committee shall dispense with the preliminary standing committee report and shall issue a final standing committee report to be distributed to each Senator stating the committee's recommendation concerning the nominee.

(6) The Secretary will read the reports under Order of Business No. 2, reports of standing committees.

(7) After the report has been read, the resolution must be placed on Order of Business No. 11 the next legislative day for consideration by the Senate. Motions to approve or disapprove of the resolution are in order and may be debated.

Appendix A

List of Questions Requiring Other Than a Majority Vote

The following questions require the vote specified:

- (1) a call of the Senate with a quorum (five Senators);
- (2) a motion to lift a call of the Senate (two-thirds of the members present and voting);
- (3) a motion to amend or suspend rules (two-thirds);
- (4) a motion to override the Governor's veto (two-thirds);
- (5) a motion to approve a bill to appropriate the principal of the coal trust fund (three-fourths of each house);
- (6) a motion to approve a bill to appropriate highway revenue as described in Article VIII, section 6, of the Montana Constitution for purposes other than therein described (three-fifths of each house);
- (7) a motion to approve a bill proposing to amend the Montana Constitution (two-thirds of the entire Legislature);
- (8) an appeal of the ruling of the presiding officer (one Senator, seconded by two other Senators);
- (9) a motion to approve a bill conferring immunity from suit as described in Article II, section 18, of the Montana Constitution (two-thirds); and
- (10) a motion to approve a bill to appropriate the principal of the tobacco settlement trust fund (two-thirds).

Adopted January 14, 2003

SENATE RESOLUTION NO. 2

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA REJECTING THE LEGISLATIVE PLAN THAT THE MONTANA DISTRICTING AND APPORTIONMENT COMMISSION SUBMITTED TO THE LEGISLATURE.

WHEREAS, the Montana Districting and Apportionment Commission submitted its legislative redistricting plan to the Legislature on January 6, 2003, as required by Article V, section 14, of the Montana Constitution; and

WHEREAS, the Joint Select Committee on Districting and Apportionment has received and considered testimony on the plan; and

WHEREAS, the Senate contends that the approximate 10% total population deviation range contained in the plan is not in support of legitimate governmental interests, but is for partisan political gain; and

WHEREAS, the Constitution is clear in language that the districts "shall be as nearly equal in population as is practicable", and that a 1% total population deviation range, or less, is both practical and possible; and

WHEREAS, the Senate contends that the majority of the Commission ignored the mandatory, constitutional criterion of "compact" districts in creating several House and Senate Districts that are over 200 miles from one end to the other; and

WHEREAS, the Senate contends that the American Indians have been isolated and that other minority groups were ignored when several districts in Montana were established; and

WHEREAS, the Senate contends that race was used as the predominant criterion in tentatively establishing six House Districts and three Senate Districts in blatant violation of the mandatory criterion that race may not be the predominant factor to which the traditional discretionary criteria are subordinated; and

WHEREAS, the Commission failed to adopt a criterion of consideration of existing district lines as the previous Commission had adopted; and

WHEREAS, the Commission has disregarded, in several instances, the discretionary criteria adopted by the Commission on April 18, 2001, by dividing many towns, cities, and counties, while giving little or no regard to keeping communities of interest intact; and

WHEREAS, the arbitrary assignment of holdover Senators to districts that did not elect them is at best wrong, blatantly unethical, and simply unfair to the electors; and

WHEREAS, the Legislature is required to return the plan to the Commission with its recommendations on or before February 5, 2003.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate rejects the Legislative Redistricting Plan for the reasons stated above, requests that the Commission reconvene and adopt a plan that conforms to the mandatory and discretionary criteria as set forth by the 1972 Constitutional Convention and state and federal law, and contends that the majority of the Commission has performed a constitutional injustice to the electorate and the elected legislators of Montana, that the plan has been conceived in a partisan fashion that disregards the mandatory criteria as set forth by the 1972 Constitutional Convention and the discretionary criteria adopted by the Commission itself, that the Commission's exercise in political gerrymandering is unacceptable to the citizens of the state of Montana, and that the legislative redistricting plan must be redone.

BE IT FURTHER RESOLVED, that copies of the following documents be attached to this resolution:

(1) the tapes of the hearings of the Joint Select Committee on Districting and Apportionment held on January 20, 21, and 24, 2003;

(2) written testimony submitted on January 20, 21, and 24, 2003; and

(3) a minority report from the members of the Joint Select Committee on Districting and Apportionment who support the plan.

BE IT FURTHER RESOLVED, that a copy of this resolution be kept on file by the Secretary of State and that copies be sent by the Secretary of State to the presiding officer and each member of the Montana Districting and Apportionment Commission.

Adopted February 3, 2003

SENATE RESOLUTION NO. 4

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA
CONCURRING IN, CONFIRMING, AND CONSENTING TO THE
NOMINATION OF APPOINTMENT MADE BY THE GOVERNOR AND

SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 31, 2003, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the nomination of appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Regents, in accordance with the provisions of section 2-15-1508, MCA:

John Mercer, Polson, Montana, appointed for a term ending February 1, 2008.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 58th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above nomination and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2003

SENATE RESOLUTION NO. 5

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE NOMINATION OF APPOINTMENT MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 31, 2003, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the nomination of appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As a member of the Board of Regents, in accordance with the provisions of section 2-15-1508, MCA:

Christian Hur, Billings, Montana, appointed for a term ending July 1, 2004.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 58th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above nomination and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 10, 2003

SENATE RESOLUTION NO. 6

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA SUPPORTING MONTANA'S ARMED FORCES PERSONNEL IN OPERATION IRAQI FREEDOM.

WHEREAS, more than 1,000 armed forces personnel from the State of Montana are presently in the Persian Gulf region; and

WHEREAS, Montanans in the Persian Gulf region are serving in the Army, Navy, Air Force, Marine Corps, Coast Guard, and National Guard in a wide variety of duty assignments; and

WHEREAS, Montanans have a long and distinguished heritage of service to our nation in times of military conflict; and

WHEREAS, the brave personnel from our state are continuing the Montana tradition of commitment and sacrifice at their duty stations in the Persian Gulf region; and

WHEREAS, President George W. Bush, as Commander in Chief of the Armed Forces of the United States, is always in our prayers.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

(1) That the Montana Senate express the deep feeling of all Montanans in this affirmation of support and gratitude to the courageous service personnel from Montana now assigned to the current operation in the Persian Gulf.

(2) That it is the hope of the people of Montana that:

(a) the mission of the forces in the Persian Gulf region be accomplished quickly and that Montanans and other service personnel serving in the current operation will soon return home safely;

(b) long-lasting peace be brought to the nation of Iraq with a minimum loss of life to members of our Armed Forces and to the innocent civilians in the region; and

(c) when making decisions of war and peace in the current operation, our Commander in Chief be guided by wisdom and good judgment.

(3) That the Secretary of State send copies of this resolution to the Montana Congressional Delegation and to Montana service personnel in the Persian Gulf region informing them that the heartfelt thanks of all Montana are extended to them, that we are proud of them, that they are in our prayers, and that we send them best wishes for a safe return.

Adopted April 4, 2003

SENATE RESOLUTION NO. 7

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE NOMINATIONS OF CERTAIN APPOINTMENTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED MARCH 10, 2003, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the nominations of appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

(1) As members of the Board of Chiropractors, in accordance with 2-15-1737, MCA:

Dr. Pamela Blanchard, Great Falls, Montana, for a term ending January 1, 2006.

Ms. Jo Ausk, Terry, Montana, for a term ending January 1, 2006.

(2) As members of the Board of Horseracing, in accordance with 2-15-3106, MCA:

Mr. Tim Donnelly, Miles City, Montana, for a term ending January 20, 2006.

Ms. Barbara Cole, Shelby, Montana, for a term ending January 20, 2006.

(3) As members of the Commission for Human Rights, in accordance with 2-15-1706, MCA:

Mr. Jack Copps, Seeley Lake, Montana, for a term ending January 1, 2007.

Mr. Ryan Rusche, Wolf Point, Montana, for a term ending January 1, 2007.

(4) As a member of the Board of Labor Appeals, in accordance with 2-15-1704, MCA:

Mr. Jerome Loendorf, Helena, Montana, for a term ending January 1, 2007.

(5) As members of the Board of Livestock, in accordance with 2-15-3102, MCA:

Mr. George Hammond, Hardin, Montana, for a term ending March 1, 2009.

Ms. Meg Smith, Divide, Montana, for a term ending March 1, 2009.

(6) As members of the Board of Medical Examiners, in accordance with 2-15-1731, MCA:

Mr. Dwight Thompson, Harlowton, Montana, for a term ending September 1, 2005.

Dr. James Upchurch, Crow Agency, Montana, for a term ending September 1, 2003.

(7) As members of the Board of Occupational Therapy Practice, in accordance with 2-15-1749, MCA:

Ms. Delores Gilbert, Sidney, Montana, for a term ending December 31, 2006.

Ms. Elspeth Richards, Missoula, Montana, for a term ending December 31, 2006.

(8) As members of the Board of Pardons and Parole, in accordance with 2-15-2302, MCA:

Mr. Ken Peterson, Billings, Montana, for a term ending January 1, 2007.

Mr. Don Hargrove, Belgrade, Montana, for a term ending January 1, 2007.

(9) As a member of the Board of Personnel Appeals, in accordance with 2-15-1705, MCA:

Mr. Steve Johnson, Missoula, Montana, for a term ending January 1, 2007.

(10) As a member of the Board of Public Assistance, in accordance with 2-15-2203, MCA:

Ms. Carole Graham, Missoula, Montana, for a term ending January 1, 2007.

(11) As a member of the Board of Real Estate Appraisers, in accordance with 2-15-1758, MCA:

Mr. Douglas Mackay, Billings, Montana, for a term ending May 1, 2005.

(12) As members of the Board of Social Work Examiners and Professional Counselors, in accordance with 2-15-1744, MCA:

Ms. Antoinette Rosell, Billings, Montana, for a term ending January 1, 2007.

Ms. Leta Livoti, Helena, Montana, for a term ending January 1, 2007.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 58th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above nominations and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 16, 2003

SENATE RESOLUTION NO. 8

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE NOMINATIONS OF CERTAIN APPOINTMENTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JANUARY 31, 2003, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the nominations of appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

(1) As members of the Board of Aeronautics, in accordance with section 2-15-2506, MCA:

Mr. Charles Manning, Kalispell, Montana, appointed for a term ending January 1, 2007.

Mr. Lonnie Leslie, Miles City, Montana, appointed for a term ending January 1, 2007.

Mr. Craig Denney, Billings, Montana, appointed for a term ending January 1, 2007.

Mr. John Rabenberg, Fort Peck, Montana, appointed for a term ending January 1, 2007.

(2) As members of the Air Pollution Control Advisory Council, in accordance with section 2-15-2106, MCA:

Mr. Chris Kolstad, Ledger, Montana, appointed to serve a term at the pleasure of the Governor.

Mr. Richard Southwick, Townsend, Montana, appointed to serve a term at the pleasure of the Governor.

(3) As members of the Alternative Health Care Board, in accordance with section 2-15-1730, MCA:

Ms. Dolly Browder, Missoula, Montana, appointed for a term ending September 1, 2005.

Ms. Kathee Dunham, Arlee, Montana, appointed for a term ending September 1, 2006.

Ms. Eloise Hargrove, Belgrade, Montana, appointed for a term ending September 1, 2006.

(4) As a member of the Board of Athletics, in accordance with section 2-15-1772, MCA:

Mr. John Kinna, Fairfield, Montana, for a term ending April 25, 2005.

(5) As members of the Board of Architects, in accordance with section 2-15-1761, MCA:

Mr. Eugene Vogl, Billings, Montana, for a term ending March 27, 2005.

Mr. John Fontaine, Glasgow, Montana, for a term ending March 27, 2004.

(6) As a member of the Board of Chiropractors, in accordance with section 2-15-1737, MCA:

Dr. Daniel Prideaux, Missoula, Montana, for a term ending January 1, 2005.

(7) As members of the Board of Clinical Laboratory Science Practitioners, in accordance with section 2-15-1753, MCA:

Mr. John Michael Long, Glendive, Montana, for a term ending April 16, 2005.

Dr. Peter Smith, Kalispell, Montana, for a term ending April 16, 2005.

(8) As members of the Board of County Printing, in accordance with section 2-15-1026, MCA:

Ms. Marianne Roose, Eureka, Montana, for a term ending April 1, 2003.

Ms. Julie Jordan, Miles City, Montana, for a term ending April 1, 2003.

Ms. Nancy Clark, Ryegate, Montana, for a term ending April 1, 2003.

Mr. Verle Rademacher, White Sulphur Springs, Montana, for a term ending April 1, 2003.

Mr. Curtiss Starr, Malta, Montana, for a term ending April 1, 2003.

(9) As members of the Board of Crime Control, in accordance with section 2-15-2006, MCA:

Rev. Steven Rice, Miles City, Montana, for a term ending January 1, 2007.

Mr. Bill Slaughter, Helena, Montana, for a term ending January 1, 2005.

Mr. Mike McGrath, Helena, Montana, for a term ending January 1, 2005.

Mr. Clifford Brophy, Columbus, Montana, for a term ending January 1, 2005.

Mr. Robert Brooks, Butte, Montana, for a term ending January 1, 2005.

Mr. John Flynn, Townsend, Montana, for a term ending January 1, 2005.

Ms. Elaine Allestad, Big Timber, Montana, for a term ending January 1, 2005.

Ms. Janet Stevens, Missoula, Montana, for a term ending January 1, 2005.

Mr. Robert Jones, Great Falls, Montana, for a term ending January 1, 2005.

Mr. William Mercer, Billings, Montana, for a term ending January 1, 2005.

Mr. Rick Kirn, Poplar, Montana, for a term ending January 1, 2005.

Mr. Godfrey Saunders, Bozeman, Montana, for a term ending January 1, 2005.

Mr. Marko Lucich, Butte, Montana, for a term ending January 1, 2007.

Mr. Alex Capdeville, Havre, Montana, for a term ending January 1, 2007.

(10) As members of the Board of Dentistry, in accordance with section 2-15-1732, MCA:

Dr. Sheldon Ivers, Great Falls, Montana, for a term ending March 29, 2007.

Mr. Clifford Christenot, Libby, Montana, for a term ending March 29, 2007.

Ms. Carol Price, Clancy, Montana, for a term ending March 29, 2007.

Ms. Lesley Robinson, Malta, Montana, for a term ending March 29, 2007.

(11) As members of the State Electrical Board, in accordance with section 2-15-1764, MCA:

Mr. Tony Martel, Bozeman, Montana, for a term ending July 1, 2006.

Ms. Linda Holden, Valier, Montana, for a term ending January 1, 2007.

(12) As members of the Board of Environmental Review, in accordance with section 2-15-3502, MCA:

Mr. David Fishbaugh, Billings, Montana, for a term ending January 1, 2005.

Mr. Ward Shanahan, Helena, Montana, for a term ending January 1, 2005.

Mr. Russell Hudson, Libby, Montana, for a term ending January 1, 2005.

Mr. Garon Smith, Missoula, Montana, for a term ending January 1, 2005.

Ms. Kim Lacey, Glasgow, Montana, for a term ending January 1, 2007.

Ms. Susan Brooke, Bozeman, Montana, for a term ending January 1, 2007.

Mr. Joseph Russell, Kalispell, Montana, for a term ending January 1, 2007.

(13) As members of the Montana Arts Council, in accordance with section 22-2-102, MCA:

Mr. James Smrcka, Glasgow, Montana, for a term ending February 1, 2005.

Ms. Mary Crippen, Billings, Montana, for a term ending February 1, 2007.

Mr. Neal Lewing, Polson, Montana, for a term ending February 1, 2007.

Mr. Mark Tyers, Bozeman, Montana, for a term ending February 1, 2007.

Ms. Delores Heltne, Havre, Montana, for a term ending February 1, 2007.

Mr. John Dudis, Kalispell, Montana, for a term ending February 1, 2007.

Ms. Karie Lee Knierim, Glasgow, Montana, for a term ending February 1, 2005.

(14) As members of the Fish, Wildlife, and Parks Commission, in accordance with section 2-15-3402, MCA:

Mr. Michael Murphy, Wolf Creek, Montana, for a term ending January 1, 2005.

Mr. Tim Mulligan, Whitehall, Montana, for a term ending January 1, 2007.

Mr. John Brenden, Scobey, Montana, for a term ending January 1, 2007.

(15) As members of the Board of Funeral Service, in accordance with section 2-15-1743, MCA:

Mr. Niles Nelson, Libby, Montana, for a term ending July 1, 2007.

Ms. Jean Ruppert, Butte, Montana, for a term ending July 1, 2007.

Mr. Jered Scherer, Billings, Montana, for a term ending July 1, 2007.

(16) As a member of the Board of Hail Insurance, in accordance with section 2-15-3003, MCA:

Ms. Lillian Ostendorf, Powderville, Montana, for a term ending April 18, 2005.

(17) As members of the Hard-Rock Mining Impact Board, in accordance with section 2-15-1822, MCA:

Mr. Craig Rehm, Fort Benton, Montana, for a term ending January 1, 2005.

Ms. Betty Aye, Broadus, Montana, for a term ending January 1, 2005.

Ms. Tammy Johnson, Whitehall, Montana, for a term ending January 1, 2005.

(18) As members of the Board of Hearing Aid Dispensers, in accordance with section 2-15-1740, MCA:

Mr. David King, Billings, Montana, for a term ending July 1, 2004.

Mr. John Delano, Helena, Montana, for a term ending July 1, 2005.

Ms. Susan Kalarchik, Butte, Montana, for a term ending July 1, 2005.

(19) As members of the Preservation Review Board, in accordance with section 2-15-1512, MCA:

Ms. Marcella Knedler, Geraldine, Montana, for a term ending October 1, 2005.

Mr. Douglas Johnson, Hamilton, Montana, for a term ending October 1, 2006.

Mr. Conrad Fisher, Lame Deer, Montana, for a term ending October 1, 2006.

(20) As members of the Montana Historical Society Board of Trustees, in accordance with section 22-3-104, MCA:

Mr. Larry McRae, Missoula, Montana, for a term ending July 1, 2006.

Ms. Judy Cole, Hysham, Montana, for a term ending July 1, 2006.

Mr. Bob Morgan, Clancy, Montana, for a term ending July 1, 2006.

Ms. Shirley Groff, Butte, Montana, for a term ending July 1, 2005.

Mr. Steve Browning, Helena, Montana, for a term ending July 1, 2007.

Ms. Mary Murphy, Bozeman, Montana, for a term ending July 1, 2007.

Mr. Don Wetzel, Bozeman, Montana, for a term ending July 1, 2007.

(21) As a member of the Board of Horseracing, in accordance with section 2-15-3106, MCA:

Mr. T.J. Graveley, Townsend, Montana, for a term ending February 20, 2005.

(22) As members of the Board of Housing, in accordance with section 2-15-1814, MCA:

Mr. Bob Thomas, Stevensville, Montana, for a term ending January 1, 2008.

Ms. Susan Moyer, Kalispell, Montana, for a term ending January 1, 2007.

Ms. Judy Glendenning, Helena, Montana, for a term ending January 1, 2007.

(23) As members of the Board of Landscape Architects, in accordance with section 2-15-1762, MCA:

Ms. Janet Thomas, Hobson, Montana, for a term ending July 1, 2005.

Ms. Shelly Engler, Bozeman, Montana, for a term ending July 1, 2005.

Mr. David Hummel, Billings, Montana, for a term ending July 1, 2005.

Mr. Robert Broughton, Victor, Montana, for a term ending July 1, 2006.

(24) As members of the State Library Commission, in accordance with section 22-1-101, MCA:

Mr. Ralph Atchley, Malta, Montana, for a term ending May 22, 2004.

Ms. Gail Staffanson, Sidney, Montana, for a term ending May 22, 2005.

Mr. Alvin Randall, Troy, Montana, for a term ending May 22, 2005.

(25) As members of the Board of Medical Examiners, in accordance with section 2-15-1731, MCA:

Dr. Kay Dorr, Nashua, Montana, for a term ending September 1, 2005.

Ms. Linda Melick, Lewistown, Montana, for a term ending September 1, 2005.

Dr. Van Kirke Nelson, Kalispell, Montana, for a term ending September 1, 2005.

Ms. Susan McRae, Dillon, Montana, for a term ending September 1, 2005.

Dr. Anne Williams, Glasgow, Montana, for a term ending September 1, 2006.

Dr. Michael LaPan, Sidney, Montana, for a term ending September 1, 2006.

Dr. Arthur Fink, Glendive, Montana, for a term ending September 1, 2006.

(26) As members of the Board of Nursing, in accordance with section 2-15-1734, MCA:

Ms. Kim Powell, Missoula, Montana, for a term ending July 1, 2005.

Ms. Lorena Erickson, Corvallis, Montana, for a term ending July 1, 2006.

Rev. Steven Rice, Miles City, Montana, for a term ending July 1, 2006.

Ms. Jeanine Thomas, Ronan, Montana, for a term ending July 1, 2006.

Ms. Karen Pollington, Havre, Montana, for a term ending July 1, 2006.

Ms. Connie Schultz, Glasgow, Montana, for a term ending July 1, 2003.

(27) As members of the Board of Nursing Home Administrators, in accordance with section 2-15-1735, MCA:

Ms. Carla Neiman, Plains, Montana, for a term ending May 28, 2007.

Mr. Tom Miller, Helena, Montana, for a term ending May 28, 2006.

(28) As a member of the Board of Occupational Therapy Practice, in accordance with section 2-15-1749, MCA:

Ms. Danette Rasmussen, Antelope, Montana, for a term ending December 31, 2005.

(29) As members of the Board of Oil and Gas Conservation, in accordance with section 2-15-3303, MCA:

Mr. Denzil Young, Baker, Montana, for a term ending January 1, 2007.

Ms. Elaine Mitchell, Cut Bank, Montana, for a term ending January 1, 2007.

Mr. Jack King, Billings, Montana, for a term ending January 1, 2007.

(30) As members of the Board of Outfitters, in accordance with section 2-15-1773, MCA:

Mr. Jack Billingsley, Glasgow, Montana, for a term ending October 1, 2004.

Mr. Wayne Underwood, Billings, Montana, for a term ending October 1, 2005.

Mr. Mel Montgomery, Lima, Montana, for a term ending October 1, 2005.

Mr. Leslie Dolezal, Billings, Montana, for a term ending October 1, 2005.

Ms. Jennifer Cote, Missoula, Montana, for a term ending October 1, 2005.

(31) As members of the Board of Pardons and Parole, in accordance with section 2-15-2302, MCA:

Ms. Roxanne Wilson, Busby, Montana, for a term ending January 1, 2006.

Ms. Sheryl Hoffarth, Billings, Montana, for a term ending January 1, 2005.

(32) As members of the Board of Personnel Appeals, in accordance with section 2-15-1705, MCA:

Mr. Michael O'Neill, Butte, Montana, for a term ending January 1, 2005.

Mr. James Reardon, East Helena, Montana, for a term ending January 1, 2005.

Mr. Thomas Schneider, Helena, Montana, for a term ending January 1, 2005.

(33) As members of the Board of Pharmacy, in accordance with section 2-15-1733, MCA:

Mr. William Burton, Helena, Montana, for a term ending July 1, 2006.

Ms. Ann Pasha, Highwood, Montana, for a term ending July 1, 2007.

(34) As members of the Board of Physical Therapy Examiners, in accordance with section 2-15-1748:

Mr. Bruce Lamb, Havre, Montana, for a term ending July 1, 2004.

Mr. Jeff Swift, Great Falls, Montana, for a term ending July 1, 2005.

(35) As members of the Board of Plumbers, in accordance with section 2-15-1765, MCA:

Ms. Marlene Jackson, Glasgow, Montana, for a term ending May 4, 2005.

Ms. Margie Laknar, Dillon, Montana, for a term ending May 4, 2003.

Mr. Terry Tatchell, Helena, Montana, for a term ending May 4, 2006.

Mr. Tim Regan, Miles City, Montana, for a term ending May 4, 2006.

(36) As members of the Board of Private Security Patrol Officers and Investigators, in accordance with section 2-15-1781, MCA:

Mr. Manx Skillicorn, Missoula, Montana, for a term ending August 1, 2004.

Mr. Don Vegge, Billings, Montana, for a term ending August 1, 2004.

Mr. Ray Murray, Missoula, Montana, for a term ending August 1, 2005.

Ms. Kathy Miller, Helena, Montana, for a term ending August 1, 2005.

(37) As members of the Board of Professional Engineers and Professional Land Surveyors, in accordance with section 2-15-1763, MCA:

Mr. Jake Neil, Great Falls, Montana, for a term ending July 1, 2005.

Mr. Daniel McCauley, Helena, Montana, for a term ending July 1, 2005.

Mr. Steve Wright, Columbia Falls, Montana, for a term ending July 1, 2006.

Ms. Janet Markle, Glasgow, Montana, for a term ending July 1, 2006.

Mr. Denis Applebury, Victor, Montana, for a term ending July 1, 2006.

(38) As members of the Board of Psychologists, in accordance with section 2-15-1741, MCA:

Dr. Jay Palmatier, Missoula, Montana, for a term ending September 1, 2006.

Dr. George Watson, Bozeman, Montana, for a term ending September 1, 2004.

Ms. Pat Colberg, Billings, Montana, for a term ending September 1, 2007.

(39) As members of the Board of Public Accountants, in accordance with section 2-15-1756, MCA:

Mr. Gary Kasper, Fairfield, Montana, for a term ending July 1, 2006.

Ms. Kathleen Burch, Lakeside, Montana, for a term ending July 1, 2007.

Mr. Michael Johns, Deer Lodge, Montana, for a term ending July 1, 2005.

(40) As members of the Board of Public Education, in accordance with section 2-15-1508, MCA:

Mr. Kirk J. Miller, Havre, Montana, for a term ending February 1, 2009.

Mr. Storrs Bishop, Ennis, Montana, for a term ending February 1, 2010.

(41) As members of the Board of Radiologic Technologists, in accordance with section 2-15-1738, MCA:

Dr. Dennis Palmer, Helena, Montana, for a term ending July 1, 2005.

Mr. William "Bim" Lindsey, Missoula, Montana, for a term ending July 1, 2004.

Ms. Jackie Barnes, Helena, Montana, for a term ending July 1, 2005.

Ms. Carole Erickson, Missoula, Montana, for a term ending July 1, 2005.

Mr. John Rosenbaum, Havre, Montana, for a term ending July 1, 2005.

Dr. John Hanson, Billings, Montana, for a term ending July 1, 2005.

(42) As members of the Board of Real Estate Appraisers, in accordance with section 2-15-1758, MCA:

Mr. Tim Moore, Helena, Montana, for a term ending May 1, 2004.

Ms. Jennifer Seitz, Billings, Montana, for a term ending May 1, 2004.

Mr. Donald Andrews, Ronan, Montana, for a term ending May 1, 2005.

Mr. Keith O'Reilly, Bozeman, Montana, for a term ending May 1, 2004.

(43) As members of the Board of Realty Regulation, in accordance with section 2-15-1757, MCA:

Ms. Vicky Hammond, Missoula, Montana, for a term ending May 9, 2005.

Mr. Terry Hilgendorf, Great Falls, Montana, for a term ending May 9, 2006.

(44) As a member of the Board of Regents, in accordance with section 2-15-1508, MCA:

Ms. Lila Taylor, Busby, Montana, for a term ending February 1, 2010.

(45) As members of the Board of Sanitarians, in accordance with section 2-15-1751, MCA:

Mr. Ted Kylander, Billings, Montana, for a term ending July 1, 2004.

Mr. John Shea, Missoula, Montana, for a term ending July 1, 2005.

(46) As members of the Board of Speech-Language Pathologists and Audiologists, in accordance with section 2-15-1739, MCA:

Ms. Julie Fiske, Kalispell, Montana, for a term ending December 31, 2004.

Dr. Darrell Micken, Bozeman, Montana, for a term ending December 31, 2004.

Ms. Marilyn Thaden, Butte, Montana, for a term ending December 31, 2005.

Ms. Jennifer Hartze, Belgrade, Montana, for a term ending December 31, 2005.

(47) As members of the State Banking Board, in accordance with section 2-15-1025, MCA:

Mr. Tim Fox, Helena, Montana, for a term ending July 1, 2004.

Ms. Jamie Doggett, White Sulphur Springs, Montana, for a term ending July 1, 2004.

Mr. Wayne Edwards, Denton, Montana, for a term ending July 1, 2005.

Mr. Max Agather, Kalispell, Montana, for a term ending July 1, 2005.

(48) As members of the Board of Directors of the State Compensation Insurance Fund, in accordance with section 2-15-1019, MCA:

Mr. Derek Grewatz, Missoula, Montana, for a term ending April 28, 2005.

Ms. Susan Knedler, Lewistown, Montana, for a term ending April 28, 2005.

Mr. Herb Leuprecht, Butte, Montana, for a term ending April 28, 2005.

Mr. Mark Cole, Shelby, Montana, for a term ending April 28, 2005.

(49) As members of the State Tax Appeal Board, in accordance with section 15-2-101, MCA:

Mr. Michael Mulroney, Helena, Montana, for a term ending January 1, 2007.

Mr. Gregory Thornquist, Helena, Montana, for a term ending January 1, 2009.

(50) As members of the Transportation Commission, in accordance with section 2-15-2502, MCA:

Mr. S. Kevin Howlett, Arlee, Montana, for a term ending January 1, 2007.

Ms. Nancy Espy, Broadus, Montana, for a term ending January 1, 2007.

(51) As members of the Board of Veterans' Affairs, in accordance with section 2-15-1205, MCA:

Mr. Donald Bogut, Kalispell, Montana, for a term ending August 1, 2006.

Mr. Ray Tindall, Billings, Montana, for a term ending August 1, 2007.

Mr. Donald Kettner, Glendive, Montana, for a term ending August 1, 2004.

(52) As members of the Board of Veterinary Medicine, in accordance with section 2-15-1742, MCA:

Dr. Jack Newman, Great Falls, Montana, for a term ending July 31, 2006.

Dr. Jean Allbright, Billings, Montana, for a term ending July 31, 2007.

(53) As a member of the Board of Water Well Contractors, in accordance with section 2-15-3307, MCA:

Mr. Pat Byrne, Great Falls, Montana, for a term ending July 1, 2004.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 58th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above nominations and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 16, 2003

SENATE RESOLUTION NO. 9

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE NOMINATIONS OF CERTAIN APPOINTMENTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATIONS DATED JANUARY 31, 2003, AND APRIL 7, 2003, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the nominations of appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

(1) As members of the Board of Barbers, in accordance with section 2-15-1746, MCA:

Mr. Edward Dutton, Kalispell, Montana, for a term ending July 1, 2005.

Ms. Sharon Richie, Hamilton, Montana, for a term ending July 1, 2004.

Ms. Delores Lund, Reserve, Montana, for a term ending July 1, 2005.

(2) As members of the Board of Cosmetologists, in accordance with section 2-15-1747, MCA:

Ms. Stephanie Stanek-Fischer, Billings, Montana, for a term ending July 1, 2005.

Ms. Kordelia French, Plentywood, Montana, for a term ending July 1, 2005.

Ms. Pam Lemieux, Helena, Montana, for a term ending July 1, 2005.

Ms. Darlene Battaiola, Butte, Montana, for a term ending July 1, 2005.

Ms. Verna Dupuis, Bozeman, Montana, for a term ending July 1, 2005.

(3) As a member of the Board of Architects, in accordance with section 2-15-1761, MCA:

Mr. Tobias Stapleton, Billings, Montana, for a term ending March 27, 2006.

(4) As members of the Coal Board, in accordance with 2-15-1821, MCA:

Ms. Janice Riebhoff, Belgrade, Montana, for a term ending January 1, 2007.

Mr. Kurt Hilyard, Conrad, Montana, for a term ending January 1, 2007.

(5) As a member of the Board of Dentistry, in accordance with section 2-15-1732, MCA:

Dr. George Olsen, Missoula, Montana, for a term ending March 29, 2008.

(6) As members of the Montana Arts Council, in accordance with sections 2-15-1513 and 22-2-101 through 22-2-103, MCA:

Ms. Ann Cogswell, Great Falls, Montana, for a term ending February 1, 2008.

Mr. Richard Halmes, Billings, Montana, for a term ending February 1, 2008.

Ms. Jackie Parsons, Browning, Montana, for a term ending February 1, 2008.

Ms. Betti Hill, Helena, Montana, for a term ending February 1, 2008.

Mr. Stan Lynde, Helena, Montana, for a term ending February 1, 2008.

(7) As members of the Montana Facility Finance Authority, in accordance with section 2-15-1815, MCA:

Mr. Joe Quilici, Butte, Montana, for a term ending January 1, 2007.

Mr. John Dudis, Kalispell, Montana, for a term ending January 1, 2007.

Mr. John Bartos, Corvallis, Montana, for a term ending January 1, 2007.

(8) As members of the Board of Directors of the State Compensation Insurance Fund, in accordance with section 2-15-1019, MCA:

Mr. Jack Morgenstern, Lewistown, Montana, for a term ending April 28, 2005.

Mr. Ed Henrich, Fairmont, Montana, for a term ending April 28, 2007.

Ms. Mardi Madsen, Billings, Montana, for a term ending April 28, 2007.

Mr. Derek Scoble, Clancy, Montana, for a term ending April 28, 2007.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 58th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above nominations and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 16, 2003

SENATE RESOLUTION NO. 10

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE NOMINATIONS OF CERTAIN APPOINTMENTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATIONS DATED APRIL 10, 2003, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the nominations of appointments, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Board of Personnel Appeals, in accordance with section 2-15-1705, MCA:

Mr. Steve Johnson, Missoula, Montana, for a term ending January 1, 2007.

Mr. Patrick Dudley, Butte, Montana, for a term ending January 1, 2007.

Mr. Joe Dwyer, Billings, Montana, for a term ending January 1, 2007.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the Regular Session of the 58th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above nominations and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted April 22, 2003

SENATE RESOLUTION NO. 11

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE NOMINATION AND APPOINTMENT MADE BY THE GOVERNOR AND SUBMITTED TO THE SENATE OF THE HONORABLE JOHN ARNAN WARNER AS JUSTICE OF THE MONTANA SUPREME COURT.

WHEREAS, the Governor of the State of Montana made the appointment, below designated, on April 24, 2003; and

WHEREAS, the appointment has been submitted to the Senate, to wit:

John Arnan Warner as Justice of the Montana Supreme Court, to serve the remainder of the term vacated by the Honorable Terry N. Trieweler, resigned.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the 58th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above nomination.

BE IT FURTHER RESOLVED, that the Secretary of the Senate immediately deliver a copy of this resolution, certified by the President and Secretary of the Senate, to the Secretary of State and a copy, certified by the Secretary of the Senate, to the Governor pursuant to section 5-5-303, MCA.

Adopted April 24, 2003

2002 BALLOT ISSUES

CONSTITUTIONAL AMENDMENT NO. 37

The legislature submitted this proposal for a vote. This proposal would amend the Montana Constitution by changing the signature gathering requirements for placing a constitutional amendment on the ballot. People proposing constitutional amendments will be required to gather signatures from at least 10% of the qualified electors in at least one-half of Montana's counties, rather than in two-fifths of the legislative house districts. Qualified electors would be the number of registered voters last voting for governor in a county. If approved, this measure would take effect July 1, 2003.

The title and text of the Amendment follows:

AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE III, SECTION 7, AND ARTICLE XIV, SECTION 9, OF THE MONTANA CONSTITUTION TO CHANGE THE DISTRIBUTION OF ELECTORS WHO MUST PETITION TO HAVE A CONSTITUTIONAL AMENDMENT PLACED ON THE BALLOT FROM AT LEAST 10 PERCENT IN TWO-FIFTHS OF THE LEGISLATIVE DISTRICTS TO AT LEAST 10 PERCENT IN ONE-HALF OF THE COUNTIES AND TO CHANGE THE BASIS FOR DETERMINING THE NUMBER OF QUALIFIED ELECTORS FROM THOSE ELECTORS IN A LEGISLATIVE REPRESENTATIVE DISTRICT LAST VOTING FOR GOVERNOR TO THOSE ELECTORS IN A COUNTY LAST VOTING FOR GOVERNOR.

Be it enacted by the Legislature of the State of Montana:

Section 1. Article III, section 7, of The Constitution of the State of Montana is amended to read:

“Section 7. Number of electors. (1) The number of qualified electors required in each legislative representative district and in the state shall be determined by the number of votes cast for the office of governor in the preceding general election.

(2) *For the purposes of a constitutional amendment, the number of qualified electors in each county and in the state shall be determined by the number of votes cast for the office of governor in the preceding general election.”*

Section 2. Article XIV, section 9, of The Constitution of the State of Montana is amended to read:

“Section 9. Amendment by initiative. (1) The people may also propose constitutional amendments by initiative. Petitions including the full text of the proposed amendment shall be signed by at least ten percent of the qualified electors of the state. That number shall include at least ten percent of the qualified electors in each of ~~two-fifths~~ *at least one-half* of the ~~legislative districts~~ *counties*.

(2) The petitions shall be filed with the secretary of state. If the petitions are found to have been signed by the required number of electors, the secretary of state shall cause the amendment to be published as provided by law twice each month for two months previous to the next regular state-wide election.

(3) At that election, the proposed amendment shall be submitted to the qualified electors for approval or rejection. If approved by a majority voting thereon, it shall become a part of the constitution effective the first day of July following its approval, unless the amendment provides otherwise.”

Section 3. Submission to electorate. This amendment shall be submitted to the qualified electors of Montana at the general election to be held in November 2002 by printing on the ballot the full title of this act and the following:

- ☐ FOR requiring that signatures be gathered in at least one-half of the counties rather than two-fifths of the legislative districts for constitutional initiatives.
- ☐ AGAINST requiring that signatures be gathered in at least one-half of the counties rather than two-fifths of the legislative districts for constitutional initiatives.

Constitutional Amendment No. 37 was approved by the following vote at the General Election held November 5, 2002:

For: 179,616

Against: 134,538

CONSTITUTIONAL AMENDMENT NO. 38

The legislature submitted this proposal for a vote. This proposal would amend the Montana Constitution by changing the signature gathering requirements for placing a statutory initiative on the ballot. People proposing statutory initiatives will be required to gather signatures from at least 5% of the qualified electors in at least one-half of Montana's counties, rather than in one-third of the legislative house districts. Qualified electors would be the number of registered voters last voting for governor in a county. If approved, this measure would take effect July 1, 2003.

The title and text of the Amendment follows:

AN ACT SUBMITTING TO THE QUALIFIED ELECTORS OF MONTANA AN AMENDMENT TO ARTICLE III, SECTIONS 4 AND 7, OF THE MONTANA CONSTITUTION TO CHANGE THE DISTRIBUTION OF ELECTORS WHO MUST PETITION TO PLACE A STATUTORY INITIATIVE ON THE BALLOT FROM 5 PERCENT IN AT LEAST ONE-THIRD OF THE LEGISLATIVE REPRESENTATIVE DISTRICTS TO 5 PERCENT IN AT LEAST ONE-HALF OF THE COUNTIES AND TO CHANGE THE METHOD OF DETERMINING THE NUMBER OF QUALIFIED ELECTORS FROM THOSE IN A LEGISLATIVE REPRESENTATIVE DISTRICT LAST VOTING FOR GOVERNOR TO THOSE IN A COUNTY LAST VOTING FOR GOVERNOR.

Be it enacted by the Legislature of the State of Montana:

Section 1. Article III, section 4, of The Constitution of the State of Montana is amended to read:

“Section 4. Initiative. (1) The people may enact laws by initiative on all matters except appropriations of money and local or special laws.

(2) Initiative petitions must contain the full text of the proposed measure, shall be signed by at least five percent of the qualified electors in each of at least ~~one-third~~ *one-half* of the ~~legislative representative districts~~ *counties* and the total number of signers must be at least five percent of the total qualified electors of the state. Petitions shall be filed with the secretary of state at least three months prior to the election at which the measure will be voted upon.

(3) The sufficiency of the initiative petition shall not be questioned after the election is held.”

Section 2. Article III, section 7, of The Constitution of the State of Montana is amended to read:

“Section 7. Number of electors. (1) The number of qualified electors required in each legislative representative district and in the state shall be determined by the number of votes cast for the office of governor in the preceding general election.

(2) *For the purposes of a statutory initiative, the number of qualified electors required in each county and in the state shall be determined by the number of votes cast for the office of governor in the preceding general election.*”

Section 3. Submission to electorate. This amendment shall be submitted to the qualified electors of Montana at the general election to be held in November 2002 by printing on the ballot the full title of this act and the following:

- ☐ FOR requiring that signatures be gathered in at least one-half of the counties rather than one-third of the legislative districts for statutory initiatives.
- ☐ AGAINST requiring that signatures be gathered in at least one-half of the counties rather than one-third of the legislative districts for statutory initiatives.

Constitutional Amendment No. 38 was approved by the following vote at the General Election held November 5, 2002:

For:	178,946
Against:	131,849

INITIATIVE REFERENDUM NO. 117

This proposal seeks a public vote on House Bill 474 (Ch. 577, L. 2001), passed by the 2001 Legislature. HB 474, among other things, changes provisions regarding the deregulation of the electricity industry. It extends the transition to full consumer choice of electricity providers to 2007. It directs the Public Service Commission to set consumer rates to ensure full recovery of all prudently incurred costs by power suppliers. It creates a public Power Authority to construct, finance, and operate electrical facilities funded by state bonds. The bill creates, but does not fund, a consumer support program to ensure the availability of affordable power.

It is not possible to determine the financial impact of this proposal due to the uncertainties in the electricity and bond markets.

House Bill 474 was rejected by the following vote at the General Election held November 5, 2002:

Approve:	116,370
Reject:	177,966

INITIATIVE NO. 146

In 1998, Montana reached a settlement agreement with tobacco companies under which Montana will receive annual payments from the companies as long as cigarettes are sold in Montana. This initiative dedicates 49 percent of the settlement funds received each year for a state-wide tobacco disease prevention program designed to discourage children from starting to smoke and assist adults in quitting smoking. Funds would also be used for programs which provide health insurance benefits to those Montanans who cannot otherwise afford or acquire health insurance. The initiative also creates a tobacco prevention advisory board.

The initiative will annually require \$14 million of tobacco settlement funds currently deposited in the state general fund to be deposited: \$9.1 million into a fund for tobacco disease prevention and \$4.9 million into a fund for providing health insurance benefits to those who cannot afford or acquire them.

The text of the Initiative follows:

Be it enacted by the People of the State of Montana:

Section 1. Section 17-6-602, MCA, is amended to read:

“17-6-602. Definitions. As used in this part, the following definitions apply:

(1) “Benefits, services, or coverage of health care needs” means the provision of health care to persons by the state through any program of benefits, services, or coverage, including income tax incentives.

(2) “Health care” has the meaning provided in 50-16-504.

(3) (a) “Programs for tobacco disease prevention” means programs of services administered by the state for the purposes of informing individuals of the health risks of tobacco use and exposure *to secondhand tobacco smoke*, assisting persons in the avoidance of tobacco products use, and assisting individuals in cessation of tobacco use.

(b) *Programs for tobacco disease prevention include:*

(i) *community-based education programs;*

(ii) *American Indian community tobacco education programs;*

(iii) *general public awareness and education programs;*

(iv) *tobacco cessation services;*

(v) *a tobacco use resource center;*

(vi) *special education and cessation programs to reach youth and women of childbearing age;*

(vii) *smokeless tobacco user programs; and*

(viii) *advertising issue programs.*

(4) “Tobacco products” means a substance intended for human use that contains tobacco and includes but is not limited to cigarettes, cigars, smoking tobacco, and tobacco intended for use in an oral or nasal cavity.

(5) “Trust fund” means the Montana tobacco settlement trust fund authorized by Article XII, section 4, of the Montana constitution and implemented through this part.”

NEW SECTION. Section 2. Tobacco settlement accounts — purpose — uses. (1) The purpose of this section is to dedicate a portion of the tobacco settlement proceeds to fund a statewide comprehensive tobacco disease prevention program designed to:

- (a) discourage children from starting use of tobacco;
- (b) assist adults in quitting use of tobacco;
- (c) provide funds for the Children's Health Insurance Program; and
- (d) provide funds for the comprehensive health association programs.

(2) An amount equal to 32% of the total yearly tobacco settlement proceeds received after June 30, 2003, must be deposited in a state special revenue account. Subject to subsection (5), the funds referred to in this subsection may be used only for funding a statewide tobacco prevention program designed to prevent children from starting tobacco use and to help adults who want to quit tobacco use. The department of public health and human services shall manage the tobacco prevention program and shall adopt rules to implement the program. In adopting rules, the department shall consider the standards contained in Best Practices for Comprehensive Tobacco Control Programs - - August 1999, or its successor document, published by the U.S. department of health and human services, centers for disease control and prevention.

(3) An amount equal to 17% of the total yearly tobacco settlement proceeds received after June 30, 2003, must be deposited in a state special revenue account. Subject to subsection (5), the funds referred to in this subsection may be used only for:

(a) matching funds to secure the maximum amount of federal funds for the Children's Health Insurance Program Act provided for in Title 53, chapter 4, part 10; and

(b) programs of the comprehensive health association provided for in Title 33, chapter 22, part 15, with funding use subject to 33-22-1513.

(4) Funds deposited in a state special revenue account, as provided in subsection (2) or (3), that are not appropriated within two years after the date of deposit must be transferred to the trust fund.

(5) The legislature shall appropriate money from the state special revenue accounts provided for in this section for tobacco disease prevention, for the programs referred to in the subsection establishing the account, and for funding the tobacco prevention advisory board.

(6) Programs funded under this section that are private in nature may be funded through contracted services.

NEW SECTION. Section 3. Tobacco prevention advisory board. (1) There is a tobacco prevention advisory board. The board consists of 15 members appointed by the director of the department of public health and human services. Except for the initial appointments, each board member shall serve a 3-year term and is subject to reappointment for one succeeding term. The director shall appoint members to staggered terms, with 5 members serving an initial term of 1, 2 or 3 years. The initial members appointed shall draw lots to determine their term of office. The board shall terminate when tobacco settlement funds are no longer received by the state. The board shall meet at least one time each year, with date and frequency of meetings to be determined by its presiding officer. Health care professionals and individuals are eligible to

serve on the board. A board member may not have been paid by the tobacco products industry during the 10-year period preceding appointment.

(2) Members of the board are not entitled to compensation for their services, but are entitled to mileage allowance, as provided in 2-18-503, and expenses as provided in 2-18-501 and 2-18-502.

(3) The board shall furnish advice, gather information, and perform other activities regarding the state special revenue accounts established pursuant to [section 2]. The board may make recommendations for the use of appropriations from the state special revenue accounts.

(4) The board is attached to the department of public health and human services for administrative purposes, and the department shall provide staff support to the board.

Section 4. Section 53-4-1011, MCA, is amended to read:

“53-4-1011. (Temporary) Tobacco settlement funds to general fund. ~~Funds~~ Unless deposited into the trust fund, provided for in 17-6-603, or a state special revenue account, provided for in [section 2], funds received from the tobacco settlement must be deposited in the general fund. Any funds appropriated from the general fund for the children's health insurance program that remain unexpended at the end of the biennium must be transferred to the general fund. (Terminates on occurrence of contingency – sec. 15, Ch. 571, L. 1999.)”

NEW SECTION. Section 5. Codification instruction. Sections 2 and 3 are intended to be codified as an integral part of Title 17, chapter 6, part 6, and the provisions of Title 17, chapter 6, part 6, apply to sections 2 and 3.

NEW SECTION. Section 6. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

NEW SECTION. Section 7. Effective date. This act is effective upon approval by the electorate.

Initiative No. 146 was approved by the following vote at the General Election held November 5, 2002:

For:	209,638
Against:	113,065

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This table was compiled before the codification process was completed. It does not reflect certain sections affected by name change amendments. All other substantive changes are reflected. Those sections for which renumbering is not attributed to a particular chapter and bill number were renumbered by the Code Commissioner under the authority of 1-11-204(3)(b).

<u>Title-Chapter-Section</u>	<u>Action</u>	<u>Chapter</u>	<u>Bill Number</u>
1-1-519.	enacted.	Ch. 70	HB 353
1-1-525.	enacted.	Ch. 2	HB 21
1-2-201.	amended.	Ch. 104	SB 17
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2-2-121.	amended.	Ch. 58	SB 136
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2-4-704.	amended.	Ch. 361	HB 437
2-6-109.	amended.	Ch. 441	HB 540
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10-1-903	enacted	Ch. 222	SB 75

10-1-904.	enacted	Ch. 222	SB 75
10-2-102	amended	Ch. 491	SB 401
10-2-106	amended	Ch. 491	SB 401
10-2-112.	enacted	Ch. 491	SB 401
10-2-113.	enacted	Ch. 491	SB 401
10-2-114.	enacted	Ch. 491	SB 401
10-2-115.	enacted	Ch. 491	SB 401
10-2-601	amended	Ch. 451	HB 761
	amended	Ch. 491	SB 401
10-2-602	amended	Ch. 491	SB 401
10-2-603	amended	Ch. 491	SB 401
10-2-604.	enacted and amended	Ch. 451	HB 761
10-3-103	amended	Ch. 391	HB 499
10-3-203	amended	Ch. 426	HB 152
10-3-312	amended	Ch. 426	HB 152
10-3-801.	enacted	Ch. 534	SB 112
10-3-1204	amended	Ch. 37	HB 115
10-3-1217	amended	Ch. 517	SB 434
10-3-1301.	enacted	Ch. 560	HB 218
10-3-1302.	enacted	Ch. 560	HB 218
10-3-1303.	enacted	Ch. 560	HB 218
10-3-1304.	enacted	Ch. 560	HB 218
10-3-1305.	enacted	Ch. 560	HB 218
10-3-1306.	enacted	Ch. 560	HB 218
10-3-1307.	enacted	Ch. 560	HB 218
10-3-1308.	enacted	Ch. 560	HB 218
10-3-1309.	enacted	Ch. 560	HB 218
10-3-1310.	enacted	Ch. 560	HB 218
10-4-114.	enacted	Ch. 184	SB 132
13-1-101	amended	Ch. 414	HB 155
	amended	Ch. 475	HB 190
13-1-103	amended	Ch. 414	HB 155
13-1-104	amended	Ch. 475	HB 190
13-1-112	amended	Ch. 271	HB 285
13-1-202	amended	Ch. 414	HB 155
13-1-203	amended	Ch. 414	HB 155
13-1-209.	enacted	Ch. 218	HB 548
13-1-301	amended	Ch. 475	HB 190
13-2-107.	enacted	Ch. 475	HB 190
13-2-108.	enacted	Ch. 475	HB 190
13-2-109.	enacted	Ch. 475	HB 190
13-2-110.	enacted	Ch. 475	HB 190
13-2-114	repealed 1/1/2004	Ch. 475	HB 190
13-2-115	amended	Ch. 475	HB 190
13-2-116	amended	Ch. 475	HB 190
13-2-122	amended	Ch. 475	HB 190
13-2-123	amended	Ch. 475	HB 190
13-2-124.	enacted	Ch. 557	HB 201
13-2-202	repealed 1/1/2004	Ch. 475	HB 190
13-2-203	repealed 1/1/2004	Ch. 475	HB 190
13-2-205	amended	Ch. 475	HB 190
13-2-211	repealed	Ch. 557	HB 201
13-2-212	amended and re num bered 13-21-201	Ch. 557	HB 201
13-2-214	amended and re num bered 13-21-202	Ch. 557	HB 201
13-2-215	amended and re num bered 13-21-203	Ch. 557	HB 201
13-2-219	repealed 1/1/2004	Ch. 475	HB 190
13-2-220	amended	Ch. 475	HB 190
13-2-402	amended	Ch. 475	HB 190
13-2-403	repealed 1/1/2004	Ch. 475	HB 190
13-2-404	repealed 1/1/2004	Ch. 475	HB 190
13-2-513	amended	Ch. 475	HB 190
13-2-514	amended	Ch. 475	HB 190
13-2-515	repealed 1/1/2004	Ch. 475	HB 190

13-2-601	amended	Ch. 475	HB 190
13-2-603	repealed 1/1/2004	Ch. 475	HB 190
13-3-105	amended	Ch. 414	HB 155
13-4-101	amended	Ch. 414	HB 155
13-4-102	amended	Ch. 414	HB 155
13-4-106	amended	Ch. 47	HB 151
13-4-203	amended	Ch. 414	HB 155
13-10-201	amended	Ch. 7	HB 25
	amended	Ch. 475	HB 190
13-10-204	amended	Ch. 414	HB 155
13-10-208	amended	Ch. 414	HB 155
13-10-209	amended	Ch. 414	HB 155
13-10-211	amended	Ch. 414	HB 155
	amended	Ch. 475	HB 190
13-10-301	amended	Ch. 414	HB 155
13-10-302	amended	Ch. 414	HB 155
13-10-303	amended	Ch. 414	HB 155
13-10-311	amended	Ch. 414	HB 155
13-12-201	amended	Ch. 414	HB 155
13-12-202	amended	Ch. 414	HB 155
13-12-203	amended	Ch. 414	HB 155
13-12-204	amended	Ch. 414	HB 155
13-12-205	amended	Ch. 414	HB 155
13-12-208	repealed	Ch. 414	HB 155
13-12-209	repealed	Ch. 414	HB 155
13-12-212	amended	Ch. 414	HB 155
13-13-111	amended	Ch. 414	HB 155
13-13-112	amended	Ch. 414	HB 155
	amended	Ch. 475	HB 190
13-13-114	amended	Ch. 475	HB 190
13-13-115	amended	Ch. 414	HB 155
13-13-116	amended	Ch. 414	HB 155
13-13-117	amended	Ch. 414	HB 155
13-13-201	amended	Ch. 414	HB 155
	amended	Ch. 475	HB 190
13-13-203	amended	Ch. 414	HB 155
13-13-204	amended	Ch. 475	HB 190
13-13-205	amended	Ch. 414	HB 155
	amended	Ch. 475	HB 190
13-13-211	amended	Ch. 414	HB 155
13-13-212	amended	Ch. 414	HB 155
	amended	Ch. 557	HB 201
13-13-213	amended	Ch. 367	HB 563
	amended	Ch. 557	HB 201
13-13-214	amended	Ch. 414	HB 155
	amended	Ch. 475	HB 190
13-13-221	repealed	Ch. 414	HB 155
13-13-222	amended	Ch. 414	HB 155
13-13-229	amended	Ch. 414	HB 155
	amended	Ch. 557	HB 201
13-13-232	amended	Ch. 475	HB 190
13-13-233	amended	Ch. 414	HB 155
13-13-234	amended	Ch. 414	HB 155
13-13-241	amended	Ch. 475	HB 190
13-13-244	amended	Ch. 414	HB 155
13-13-270	enacted	Ch. 557	HB 201
13-13-271	amended and re num bered 13-21-204	Ch. 557	HB 201
13-13-272	amended and re num bered 13-21-205	Ch. 557	HB 201
13-13-273	amended and re num bered 13-21-206	Ch. 557	HB 201
13-13-276	repealed	Ch. 557	HB 201
13-13-277	amended and re num bered 13-21-207	Ch. 557	HB 201
13-13-278	amended and re num bered 13-21-104	Ch. 557	HB 201
13-13-301	amended	Ch. 475	HB 190

13-13-304	repealed 1/1/2004	Ch. 475	HB 190
13-13-305	repealed 1/1/2004	Ch. 475	HB 190
13-13-306	repealed 1/1/2004	Ch. 475	HB 190
13-13-307	repealed 1/1/2004	Ch. 475	HB 190
13-13-309	repealed 1/1/2004	Ch. 475	HB 190
13-13-310	repealed 1/1/2004	Ch. 475	HB 190
13-13-311	repealed 1/1/2004	Ch. 475	HB 190
13-13-601	enacted	Ch. 475	HB 190
13-13-602	enacted	Ch. 475	HB 190
13-13-603	enacted	Ch. 475	HB 190
13-14-112	amended	Ch. 475	HB 190
13-14-113	amended	Ch. 475	HB 190
13-14-115	amended	Ch. 414	HB 155
13-14-116	amended	Ch. 414	HB 155
13-14-117	amended	Ch. 414	HB 155
13-14-118	amended	Ch. 414	HB 155
13-14-212	amended	Ch. 414	HB 155
13-15-101	amended	Ch. 414	HB 155
13-15-103	amended and renumbered 13-15-207	Ch. 414	HB 155
13-15-104	amended	Ch. 414	HB 155
13-15-105	amended	Ch. 414	HB 155
13-15-107	enacted	Ch. 475	HB 190
13-15-111	amended	Ch. 475	HB 190
13-15-112	enacted	Ch. 414	HB 155
13-15-201	amended	Ch. 414	HB 155
13-15-202	repealed	Ch. 414	HB 155
13-15-206	enacted	Ch. 414	HB 155
13-15-207	for merly 13-15-103		
13-15-208	for merly 13-16-202		
13-15-401	amended	Ch. 475	HB 190
13-15-402	amended	Ch. 475	HB 190
13-16-201	amended	Ch. 414	HB 155
13-16-202	renumbered 13-15-208		
13-16-303	amended	Ch. 414	HB 155
13-16-411	amended	Ch. 414	HB 155
13-16-412	amended	Ch. 414	HB 155
13-16-413	repealed	Ch. 414	HB 155
13-16-414	amended	Ch. 414	HB 155
13-16-417	amended	Ch. 414	HB 155
13-16-420	amended	Ch. 414	HB 155
13-17-101	amended	Ch. 414	HB 155
13-17-102	amended	Ch. 414	HB 155
13-17-103	amended	Ch. 414	HB 155
13-17-104	amended	Ch. 414	HB 155
13-17-105	amended	Ch. 414	HB 155
13-17-106	amended	Ch. 414	HB 155
13-17-107	amended	Ch. 414	HB 155
13-17-108	enacted	Ch. 320	HB 87
13-17-201	amended	Ch. 414	HB 155
13-17-203	amended	Ch. 414	HB 155
13-17-204	amended	Ch. 414	HB 155
13-17-206	amended	Ch. 414	HB 155
13-17-211	enacted	Ch. 414	HB 155
13-17-212	enacted	Ch. 414	HB 155
13-17-301	repealed	Ch. 414	HB 155
13-17-305	amended	Ch. 414	HB 155
13-17-306	amended	Ch. 414	HB 155
13-19-106	amended	Ch. 414	HB 155
	amended	Ch. 443	HB 640
13-19-309	amended	Ch. 414	HB 155
13-19-312	amended	Ch. 414	HB 155
13-19-313	amended	Ch. 475	HB 190
13-19-314	amended	Ch. 414	HB 155

13-21-101	enacted	Ch. 557	HB 201
13-21-102	enacted	Ch. 557	HB 201
13-21-103	enacted	Ch. 557	HB 201
13-21-104	for merly 13-13-278	Ch. 557	HB 201
13-21-201	for merly 13-2-212	Ch. 557	HB 201
13-21-202	for merly 13-2-214	Ch. 557	HB 201
13-21-203	for merly 13-2-215	Ch. 557	HB 201
13-21-204	for merly 13-13-271	Ch. 557	HB 201
13-21-205	for merly 13-13-272	Ch. 557	HB 201
13-21-206	for merly 13-13-273	Ch. 557	HB 201
13-21-207	for merly 13-13-277	Ch. 557	HB 201
13-21-210	enacted	Ch. 557	HB 201
13-21-211	enacted	Ch. 557	HB 201
13-21-212	enacted	Ch. 557	HB 201
13-21-213	enacted	Ch. 557	HB 201
13-22-107	amended	Ch. 475	HB 190
13-25-101	amended	Ch. 414	HB 155
13-27-111	amended	Ch. 323	HB 203
13-27-201	amended	Ch. 323	HB 203
13-27-202	amended	Ch. 323	HB 203
13-27-204	amended	Ch. 323	HB 203
13-27-205	amended	Ch. 323	HB 203
13-27-206	amended	Ch. 323	HB 203
13-27-207	amended	Ch. 323	HB 203
13-27-301	amended	Ch. 323	HB 203
13-27-302	amended	Ch. 323	HB 203
13-27-303	amended	Ch. 323	HB 203
13-27-304	amended	Ch. 323	HB 203
13-27-307	amended	Ch. 323	HB 203
13-27-312	amended	Ch. 132	HB 198
13-27-410	amended	Ch. 475	HB 190
13-27-501	amended	Ch. 414	HB 155
13-27-502	amended	Ch. 414	HB 155
13-35-202	amended	Ch. 414	HB 155
13-35-205	amended	Ch. 414	HB 155
13-35-206	amended	Ch. 414	HB 155
13-35-225	amended	Ch. 415	HB 253
	amended	Ch. 419	HB 468
13-35-226	amended	Ch. 114	SB 10
13-35-227	amended	Ch. 59	HB 108
13-37-117	amended	Ch. 109	SB 38
13-37-126	amended	Ch. 414	HB 155
13-37-206	amended	Ch. 191	HB 252
13-37-216	amended	Ch. 462	SB 423
13-37-218	amended	Ch. 462	SB 423
13-37-229	amended	Ch. 462	SB 423
13-37-250	amended	Ch. 414	HB 155
	amended	Ch. 462	SB 423
	amended	Ch. 475	HB 190
13-38-201	amended	Ch. 367	HB 563
	amended	Ch. 414	HB 155
15-1-101	amended	Ch. 577	SB 126
15-1-116	amended	Ch. 477	HB 538
15-1-117	amended	Ch. 477	HB 538
15-1-121	amended	Ch. 236	HB 272
	amended	Ch. 252	SB 114
	amended	Ch. 399	SB 65
	amended	Ch. 477	HB 538
15-1-122	amended	Ch. 48	HB 217
	amended	Ch. 399	SB 65
	amended	Ch. 477	HB 538
	amended	Ch. 491	SB 401
	amended	Ch. 534	SB 112

15-1-122(Continued)	amended	Ch. 592	HB 559
	amended	Ch. 601	SB 336
15-1-140	enacted	Ch. 597	SB 271
15-1-141	enacted	Ch. 597	SB 271
15-1-232	enacted	Ch. 51	HB 406
15-1-402	amended	Ch. 511	SB 294
15-1-501	amended	Ch. 521	HB 721
	amended	Ch. 522	HB 748
	amended	Ch. 597	SB 271
15-6-134	amended	Ch. 606	SB 461
15-6-138	amended	Ch. 114	SB 10
	amended	Ch. 505	SB 155
15-6-193	enacted	Ch. 606	SB 461
15-6-201	amended	Ch. 577	SB 126
	amended	Ch. 606	SB 461
15-6-207	amended	Ch. 577	SB 126
15-6-211	amended	Ch. 399	SB 65
15-6-217	amended	Ch. 224	SB 109
15-6-225	amended	Ch. 405	SB 146
	amended	Ch. 524	SB 138
15-6-227	enacted	Ch. 370	SB 159
15-7-102	amended	Ch. 114	SB 10
15-7-111	amended	Ch. 606	SB 461
15-7-138	amended	Ch. 315	SB 302
15-7-139	enacted	Ch. 5	HB 188
	amended	Ch. 593	HB 775
15-7-140	enacted	Ch. 5	HB 188
15-7-307	amended	Ch. 114	SB 10
15-8-201	amended	Ch. 34	HB 207
15-8-204	amended	Ch. 34	HB 207
15-10-202	amended	Ch. 34	HB 207
15-10-420	amended	Ch. 115	SB 31
	amended	Ch. 476	HB 517
15-16-102	amended	Ch. 315	SB 302
	amended	Ch. 436	HB 441
15-16-202	amended	Ch. 592	HB 559
15-17-121	amended	Ch. 241	HB 627
15-17-131	enacted	Ch. 315	SB 302
15-23-703	amended	Ch. 114	SB 10
15-23-801	amended	Ch. 342	SB 460
15-24-601	repealed	Ch. 577	SB 126
15-24-602	repealed	Ch. 577	SB 126
15-24-1401	amended	Ch. 405	SB 146
15-30-101	amended	Ch. 225	SB 121
	amended	Ch. 544	SB 407
15-30-103	amended	Ch. 544	SB 407
15-30-106	amended	Ch. 114	SB 10
	amended	Ch. 159	HB 391
15-30-111	amended	Ch. 114	SB 10
	amended	Ch. 519	SB 480
	amended	Ch. 545	SB 408
15-30-112	amended	Ch. 544	SB 407
15-30-115	amended	Ch. 123	HB 490
15-30-121	amended	Ch. 114	SB 10
	amended	Ch. 482	SB 143
	amended	Ch. 544	SB 407
15-30-122	amended	Ch. 544	SB 407
15-30-124	amended	Ch. 544	SB 407
15-30-136	amended	Ch. 114	SB 10
15-30-142	amended	Ch. 10	HB 58
	amended	Ch. 544	SB 407
15-30-154	enacted	Ch. 491	SB 401
15-30-161	repealed	Ch. 159	HB 391

15-30-162	repealed	Ch. 159	HB 391
15-30-165	amended	Ch. 482	SB 143
15-30-174	amended	Ch. 66	HB 59
15-30-182	enacted	Ch. 582	SB 484
15-30-183	enacted	Ch. 544	SB 407
15-30-187	enacted	Ch. 590	HB 452
15-30-201	amended	Ch. 114	SB 10
15-30-209	amended	Ch. 95	HB 117
15-30-256	amended	Ch. 243	HB 196
15-30-301	amended	Ch. 114	SB 10
15-30-604	amended	Ch. 566	HB 539
15-30-1102	amended	Ch. 225	SB 121
15-30-1112	amended	Ch. 225	SB 121
15-30-1113	amended	Ch. 225	SB 121
15-31-102	amended	Ch. 114	SB 10
15-31-114	amended	Ch. 114	SB 10
	amended	Ch. 482	SB 143
15-31-121	amended	Ch. 521	HB 721
15-31-123	repealed	Ch. 159	HB 391
15-31-124	amended	Ch. 405	SB 146
15-31-134	enacted	Ch. 582	SB 484
15-31-141	amended	Ch. 124	HB 552
15-31-150	amended	Ch. 114	SB 10
15-31-322	amended	Ch. 521	HB 721
15-31-323	amended	Ch. 521	HB 721
15-31-324	amended	Ch. 521	HB 721
15-31-326	amended	Ch. 521	HB 721
15-31-404	amended	Ch. 114	SB 10
15-31-405	amended	Ch. 114	SB 10
15-32-102	amended	Ch. 155	SB 71
15-32-104	amended	Ch. 524	SB 138
15-32-106	amended	Ch. 338	SB 316
15-32-109	amended	Ch. 524	SB 138
15-32-115	amended	Ch. 39	HB 233
15-32-203	amended	Ch. 155	SB 71
15-32-402	amended	Ch. 524	SB 138
15-32-403	repealed 7/1/2005	Ch. 609	SB 487
15-32-404	amended	Ch. 609	SB 487
15-32-405	amended	Ch. 114	SB 10
	amended	Ch. 159	HB 391
15-32-503	amended	Ch. 338	SB 316
15-32-507	amended	Ch. 338	SB 316
15-35-108	amended	Ch. 32	HB 136
	amended	Ch. 351	HB 76
	amended	Ch. 481	SB 115
15-36-304	amended	Ch. 522	HB 748
15-36-314	amended	Ch. 522	HB 748
15-36-315	amended	Ch. 522	HB 748
15-36-320	repealed	Ch. 522	HB 748
15-36-324	amended	Ch. 114	SB 10
	repealed	Ch. 522	HB 748
15-36-331	enacted and amended	Ch. 522	HB 748
15-36-332	enacted	Ch. 522	HB 748
15-37-103	amended	Ch. 342	SB 460
15-38-106	amended	Ch. 496	HB 10
15-38-113	amended	Ch. 522	HB 748
15-38-202	amended	Ch. 522	HB 748
15-50-205	amended	Ch. 114	SB 10
15-50-206	amended	Ch. 114	SB 10
15-53-129	amended	Ch. 515	SB 387
15-53-130	amended	Ch. 515	SB 387
15-53-131	enacted	Ch. 515	SB 387
15-53-132	enacted	Ch. 515	SB 387

15-53-201	repealed	Ch. 36	HB 96
15-53-202	repealed	Ch. 36	HB 96
15-53-203	repealed	Ch. 36	HB 96
15-60-101	amended	Ch. 532	HB 743
15-60-102	amended	Ch. 541	HB 705
15-60-210	amended	Ch. 532	HB 743
15-60-211	enacted	Ch. 541	HB 705
15-62-103	amended	Ch. 566	HB 539
15-62-201	amended	Ch. 566	HB 539
15-62-203	amended	Ch. 566	HB 539
15-62-206	amended	Ch. 566	HB 539
15-62-207	amended	Ch. 566	HB 539
15-66-101	enacted	Ch. 390	HB 481
15-66-102	enacted	Ch. 390	HB 481
15-66-103	enacted	Ch. 390	HB 481
15-66-104	enacted	Ch. 390	HB 481
15-66-201	enacted	Ch. 390	HB 481
15-66-202	enacted	Ch. 390	HB 481
15-66-203	enacted	Ch. 390	HB 481
15-66-204	enacted	Ch. 390	HB 481
15-66-205	enacted	Ch. 390	HB 481
15-66-206	enacted	Ch. 390	HB 481
15-66-207	enacted	Ch. 390	HB 481
15-66-208	enacted	Ch. 390	HB 481
15-66-209	enacted	Ch. 390	HB 481
15-67-101	enacted and amended	Ch. 531	HB 722
15-67-102	enacted	Ch. 531	HB 722
15-67-103	enacted	Ch. 531	HB 722
15-67-104	enacted	Ch. 531	HB 722
15-67-201	enacted	Ch. 531	HB 722
15-67-202	enacted	Ch. 531	HB 722
15-67-203	enacted	Ch. 531	HB 722
15-67-204	enacted	Ch. 531	HB 722
15-67-205	enacted	Ch. 531	HB 722
15-67-206	enacted	Ch. 531	HB 722
15-67-207	enacted	Ch. 531	HB 722
15-67-208	enacted	Ch. 531	HB 722
15-67-209	enacted	Ch. 531	HB 722
15-68-101	enacted	Ch. 544	SB 407
15-68-102	enacted	Ch. 544	SB 407
15-68-103	enacted	Ch. 544	SB 407
15-68-106	enacted	Ch. 544	SB 407
15-68-107	enacted	Ch. 544	SB 407
15-68-110	enacted	Ch. 544	SB 407
15-68-201	enacted	Ch. 544	SB 407
15-68-202	enacted	Ch. 544	SB 407
15-68-206	enacted	Ch. 544	SB 407
15-68-207	enacted	Ch. 544	SB 407
15-68-208	enacted	Ch. 544	SB 407
15-68-209	enacted	Ch. 544	SB 407
15-68-210	enacted	Ch. 544	SB 407
15-68-211	enacted	Ch. 544	SB 407
15-68-212	enacted	Ch. 544	SB 407
15-68-401	enacted	Ch. 544	SB 407
15-68-402	enacted	Ch. 544	SB 407
15-68-405	enacted	Ch. 544	SB 407
15-68-410	enacted	Ch. 544	SB 407
15-68-411	enacted	Ch. 544	SB 407
15-68-501	enacted	Ch. 544	SB 407
15-68-502	enacted	Ch. 544	SB 407
15-68-505	enacted	Ch. 544	SB 407
15-68-506	enacted	Ch. 544	SB 407
15-68-510	enacted	Ch. 544	SB 407

15-68-512	enacted	Ch. 544	SB 407
15-68-513	enacted	Ch. 544	SB 407
15-68-514	enacted	Ch. 544	SB 407
15-68-516	enacted	Ch. 544	SB 407
15-68-517	enacted	Ch. 544	SB 407
15-68-520	enacted	Ch. 544	SB 407
15-68-525	enacted	Ch. 544	SB 407
15-68-801	enacted	Ch. 544	SB 407
15-68-805	enacted	Ch. 544	SB 407
15-68-808	enacted	Ch. 544	SB 407
15-68-811	enacted	Ch. 544	SB 407
15-68-815	enacted	Ch. 544	SB 407
15-68-820	enacted	Ch. 544	SB 407
15-70-101	amended	Ch. 594	SB 47
15-70-201	amended	Ch. 114	SB 10
15-70-522	amended	Ch. 535	SB 414
15-72-102	amended	Ch. 114	SB 10
16-1-106	amended	Ch. 110	SB 40
	amended	Ch. 369	SB 152
16-1-302	amended	Ch. 110	SB 40
16-1-304	amended	Ch. 110	SB 40
16-3-107	amended	Ch. 372	SB 334
16-4-109	amended	Ch. 605	SB 415
16-4-111	amended	Ch. 369	SB 152
16-4-204	amended	Ch. 369	SB 152
16-4-207	amended	Ch. 110	SB 40
16-4-301	amended	Ch. 369	SB 152
16-4-402	amended	Ch. 110	SB 40
16-4-403	repealed	Ch. 110	SB 40
16-4-406	amended	Ch. 110	SB 40
16-4-414	enacted	Ch. 110	SB 40
16-4-420	amended	Ch. 110	SB 40
16-4-501	amended	Ch. 369	SB 152
16-4-801	amended	Ch. 422	HB 631
16-11-101	amended	Ch. 114	SB 10
16-11-111	amended	Ch. 544	SB 407
16-11-114	amended	Ch. 544	SB 407
16-11-119	amended	Ch. 544	SB 407
16-11-201	amended	Ch. 544	SB 407
16-11-202	amended	Ch. 544	SB 407
16-11-206	amended	Ch. 544	SB 407
16-11-403	amended	Ch. 397	HB 663
16-11-404	enacted	Ch. 397	HB 663
16-11-501	enacted	Ch. 397	HB 663
16-11-502	enacted	Ch. 397	HB 663
16-11-503	enacted	Ch. 397	HB 663
16-11-504	enacted	Ch. 397	HB 663
16-11-505	enacted	Ch. 397	HB 663
16-11-506	enacted	Ch. 397	HB 663
16-11-507	enacted	Ch. 397	HB 663
16-11-508	enacted	Ch. 397	HB 663
16-11-509	enacted	Ch. 397	HB 663
16-11-510	enacted	Ch. 397	HB 663
16-11-511	enacted	Ch. 397	HB 663
16-11-512	enacted	Ch. 397	HB 663
17-1-111	amended	Ch. 607	SB 483
17-1-501	amended	Ch. 41	HB 88
17-1-502	amended	Ch. 41	HB 88
17-1-505	amended	Ch. 41	HB 88
17-1-601	repealed	Ch. 41	HB 88
17-1-602	repealed	Ch. 41	HB 88
17-1-603	repealed	Ch. 41	HB 88

17-2-108	amended	Ch. 332	SB 86
	amended	Ch. 576	HB 744
17-2-121	repealed	Ch. 380	HB 145
17-2-304	amended	Ch. 332	SB 86
17-3-222	amended	Ch. 41	HB 88
17-3-1003	amended	Ch. 355	HB 223
17-4-105	amended	Ch. 236	HB 272
17-4-106	amended	Ch. 114	SB 10
17-5-205	amended	Ch. 139	HB 172
17-5-703	amended	Ch. 114	SB 10
17-5-807	enacted	Ch. 92	HB 471
17-5-820	enacted (1999)	Ch. 269 (1999)	HB 555
	amended	Ch. 295	SB 249
17-5-1102	amended	Ch. 114	SB 10
17-5-1103	amended	Ch. 114	SB 10
17-5-1111	amended	Ch. 114	SB 10
17-5-1506	amended	Ch. 609	SB 487
17-5-1527	amended	Ch. 609	SB 487
17-5-1608	amended	Ch. 562	HB 261
	amended	Ch. 597	SB 271
17-5-2001	amended	Ch. 562	HB 261
	amended	Ch. 597	SB 271
17-5-2102	amended	Ch. 277	SB 150
17-6-302	amended	Ch. 183	SB 131
17-6-345	enacted	Ch. 183	SB 131
17-6-346	enacted	Ch. 183	SB 131
17-6-347	enacted	Ch. 183	SB 131
17-6-403	amended	Ch. 351	HB 76
	amended	Ch. 405	SB 146
17-6-411	repealed	Ch. 351	HB 76
17-6-606	amended	Ch. 608	SB 485
17-7-102	amended	Ch. 607	SB 483
17-7-111	amended	Ch. 332	SB 86
17-7-131	amended	Ch. 607	SB 483
17-7-138	amended	Ch. 547	SB 492
17-7-140	amended	Ch. 114	SB 10
	amended	Ch. 169	HB 60
	amended	Ch. 607	SB 483
17-7-142	amended	Ch. 23	HB 23
17-7-402	amended	Ch. 182	SB 128
	amended	Ch. 332	SB 86
17-7-502	amended	Ch. 43	HB 168
	amended	Ch. 140	HB 180
	amended	Ch. 353	HB 134
	amended	Ch. 355	HB 223
	amended	Ch. 397	HB 663
	amended	Ch. 481	SB 115
	amended	Ch. 522	HB 748
	amended	Ch. 533	HB 767
18-1-203	amended	Ch. 203	SB 229
18-2-107	amended	Ch. 355	HB 223
18-2-201	amended	Ch. 203	SB 229
18-2-302	amended	Ch. 203	SB 229
18-2-401	amended	Ch. 293	SB 188
18-2-403	amended	Ch. 467	HB 315
18-2-407	amended	Ch. 467	HB 315
18-2-409	amended	Ch. 564	HB 403
18-4-132	amended	Ch. 153	SB 20
18-4-312	amended	Ch. 203	SB 229
18-8-204	amended	Ch. 192	SB 83
18-8-205	amended	Ch. 192	SB 83
18-8-212	amended	Ch. 162	SB 45
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19-2-403	amended	Ch. 429	HB 213
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19-2-408	amended	Ch. 114	SB 10
19-2-506	amended	Ch. 429	HB 213
19-2-511	amended	Ch. 38	HB 143
19-2-603	amended	Ch. 429	HB 213
19-2-702	amended	Ch. 429	HB 213
19-2-704	amended	Ch. 429	HB 213
19-2-706	amended	Ch. 429	HB 213
19-2-708	amended	Ch. 429	HB 213
19-2-709	amended	Ch. 429	HB 213
19-2-715	enacted	Ch. 429	HB 213
19-2-801	amended	Ch. 429	HB 213
19-2-802	amended	Ch. 429	HB 213
19-2-907	amended	Ch. 429	HB 213
19-2-908	amended	Ch. 429	HB 213
19-2-909	amended	Ch. 429	HB 213
19-2-1010	amended	Ch. 429	HB 213
19-3-108	amended	Ch. 429	HB 213
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19-3-401	amended	Ch. 429	HB 213
19-3-403	amended	Ch. 429	HB 213
19-3-412	amended	Ch. 402	SB 110
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19-3-503	amended	Ch. 26	HB 44
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19-3-504	amended	Ch. 429	HB 213
19-3-505	amended	Ch. 429	HB 213
19-3-509	repealed	Ch. 429	HB 213
19-3-510	amended	Ch. 429	HB 213
19-3-511	amended	Ch. 429	HB 213
19-3-512	amended	Ch. 429	HB 213
19-3-513	amended	Ch. 429	HB 213
19-3-514	amended	Ch. 292	SB 145
	amended	Ch. 429	HB 213
19-3-515	enacted	Ch. 292	SB 145
19-3-521	amended	Ch. 429	HB 213
19-3-904	amended	Ch. 429	HB 213
19-3-906	amended	Ch. 429	HB 213
19-3-908	amended	Ch. 429	HB 213
19-3-1002	amended	Ch. 429	HB 213
19-3-1008	amended	Ch. 429	HB 213
19-3-1015	amended	Ch. 429	HB 213
19-3-1106	amended	Ch. 402	SB 110
	amended	Ch. 429	HB 213
19-3-1201	amended	Ch. 429	HB 213
19-3-1202	amended	Ch. 429	HB 213
19-3-1205	amended	Ch. 429	HB 213
19-3-1210	amended	Ch. 429	HB 213
19-3-1501	amended	Ch. 429	HB 213
19-3-1604	repealed	Ch. 429	HB 213
19-3-2103	amended	Ch. 429	HB 213
19-3-2111	amended	Ch. 429	HB 213
19-3-2112	amended	Ch. 429	HB 213
19-3-2113	amended	Ch. 429	HB 213
19-3-2114	amended	Ch. 429	HB 213
19-3-2115	amended	Ch. 429	HB 213
19-3-2116	amended	Ch. 429	HB 213
19-3-2117	amended	Ch. 114	SB 10
	amended	Ch. 429	HB 213

19-3-2126	amended	Ch. 429	HB 213
19-3-2133	amended	Ch. 429	HB 213
19-3-2141	amended	Ch. 429	HB 213
19-5-101	amended	Ch. 429	HB 213
19-5-301	amended	Ch. 429	HB 213
19-5-409	amended	Ch. 429	HB 213
19-5-410	enacted	Ch. 26	HB 44
19-5-411	enacted	Ch. 26	HB 44
19-5-412	enacted	Ch. 289	SB 66
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19-5-501	amended	Ch. 429	HB 213
19-5-502	amended	Ch. 429	HB 213
19-5-701	amended	Ch. 429	HB 213
19-5-902	amended	Ch. 114	SB 10
19-6-101	amended	Ch. 429	HB 213
19-6-401	amended	Ch. 429	HB 213
19-6-502	amended	Ch. 429	HB 213
19-6-503	amended	Ch. 429	HB 213
19-6-601	amended	Ch. 429	HB 213
19-6-709	amended	Ch. 429	HB 213
19-6-711	amended	Ch. 114	SB 10
19-6-801	amended	Ch. 26	HB 44
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19-6-802	repealed	Ch. 429	HB 213
19-6-803	amended	Ch. 429	HB 213
19-6-804	amended	Ch. 429	HB 213
19-6-805	amended	Ch. 429	HB 213
19-7-101	amended	Ch. 429	HB 213
19-7-301	amended	Ch. 429	HB 213
19-7-312	amended	Ch. 429	HB 213
19-7-502	amended	Ch. 429	HB 213
19-7-601	amended	Ch. 429	HB 213
19-7-801	amended	Ch. 429	HB 213
19-7-802	repealed	Ch. 429	HB 213
19-7-803	amended	Ch. 26	HB 44
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19-7-804	amended	Ch. 26	HB 44
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19-7-805	amended	Ch. 429	HB 213
19-7-1001	amended	Ch. 429	HB 213
19-8-101	amended	Ch. 429	HB 213
19-8-301	amended	Ch. 429	HB 213
19-8-302	amended	Ch. 429	HB 213
19-8-308	amended	Ch. 429	HB 213
19-8-604	amended	Ch. 429	HB 213
19-8-701	amended	Ch. 429	HB 213
19-8-801	amended	Ch. 429	HB 213
19-8-901	amended	Ch. 26	HB 44
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19-8-902	repealed	Ch. 429	HB 213
19-8-904	amended	Ch. 429	HB 213
19-8-905	amended	Ch. 429	HB 213
19-8-906	amended	Ch. 429	HB 213
19-9-104	amended	Ch. 429	HB 213
19-9-301	amended	Ch. 429	HB 213
19-9-403	amended	Ch. 26	HB 44
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19-9-405	amended	Ch. 429	HB 213
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19-9-406	amended	Ch. 429	HB 213
19-9-410	amended	Ch. 429	HB 213
19-9-411	amended	Ch. 429	HB 213
19-9-903	amended	Ch. 429	HB 213
19-9-1013	amended	Ch. 114	SB 10
19-9-1202	amended	Ch. 429	HB 213
19-9-1204	amended	Ch. 114	SB 10
	amended	Ch. 261	HB 686
	amended	Ch. 429	HB 213
19-9-1205	amended	Ch. 429	HB 213
19-9-1206	amended	Ch. 429	HB 213
19-9-1207	amended	Ch. 429	HB 213
19-9-1208	amended	Ch. 429	HB 213
19-13-104	amended	Ch. 429	HB 213
19-13-301	amended	Ch. 429	HB 213
19-13-403	amended	Ch. 26	HB 44
	amended	Ch. 289	SB 66
	amended	Ch. 429	HB 213
19-13-404	repealed	Ch. 429	HB 213
19-13-405	amended	Ch. 429	HB 213
19-13-406	amended	Ch. 429	HB 213
19-13-701	amended	Ch. 429	HB 213
19-13-704	amended	Ch. 429	HB 213
19-13-803	amended	Ch. 429	HB 213
19-13-1007	amended	Ch. 429	HB 213
19-13-1011	amended	Ch. 114	SB 10
19-17-108	amended	Ch. 429	HB 213
19-17-401	amended	Ch. 262	HB 731
19-17-402	amended	Ch. 429	HB 213
19-17-403	amended	Ch. 429	HB 213
19-17-404	amended	Ch. 262	HB 731
19-17-405	amended	Ch. 429	HB 213
19-20-101	amended	Ch. 114	SB 10
	amended	Ch. 174	HB 154
19-20-201	amended	Ch. 174	HB 154
19-20-208	amended	Ch. 174	HB 154
19-20-212	amended	Ch. 174	HB 154
19-20-302	amended	Ch. 402	SB 110
19-20-402	amended	Ch. 174	HB 154
19-20-414	amended	Ch. 174	HB 154
19-20-705	amended	Ch. 174	HB 154
19-20-710	amended	Ch. 174	HB 154
19-20-715	amended	Ch. 174	HB 154
19-20-718	amended	Ch. 174	HB 154
19-20-719	amended	Ch. 174	HB 154
19-20-804	amended	Ch. 120	HB 178
	amended	Ch. 402	SB 110
19-20-805	amended	Ch. 174	HB 154
19-20-806	enacted	Ch. 120	HB 178
19-20-905	amended	Ch. 174	HB 154
19-20-1101	amended	Ch. 174	HB 154
19-21-203	amended	Ch. 114	SB 10
19-21-214	amended	Ch. 114	SB 10
19-50-102	amended	Ch. 114	SB 10
	amended	Ch. 429	HB 213
19-50-103	amended	Ch. 114	SB 10
20-1-214	enacted	Ch. 352	HB 105
20-1-303	amended	Ch. 21	HB 78
20-1-408	repealed	Ch. 374	HB 67
20-3-106	amended	Ch. 21	HB 78
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20-3-109	enacted	Ch. 171	SB 81
20-3-205	amended	Ch. 151	SB 16
20-3-209	amended	Ch. 276	SB 97
20-3-322	amended	Ch. 86	HB 366
20-3-324	amended	Ch. 21	HB 78
	amended	Ch. 340	SB 380
20-4-109	amended	Ch. 173	SB 202
20-5-324	amended	Ch. 130	HB 135
20-5-412	enacted	Ch. 421	HB 573
20-5-413	enacted	Ch. 421	HB 573
20-6-105	enacted	Ch. 151	SB 16
20-6-213	repealed	Ch. 151	SB 16
20-6-214	amended	Ch. 151	SB 16
20-6-215	amended	Ch. 151	SB 16
20-6-308	amended	Ch. 151	SB 16
20-6-309	repealed	Ch. 151	SB 16
20-6-320	repealed	Ch. 151	SB 16
20-6-322	amended	Ch. 151	SB 16
20-7-134	enacted	Ch. 271	HB 285
20-7-401	amended	Ch. 479	SB 76
20-7-436	amended	Ch. 479	SB 76
20-7-461	amended	Ch. 16	HB 153
20-8-101	amended	Ch. 72	SB 41
20-8-102	amended	Ch. 73	SB 42
	amended	Ch. 74	SB 43
20-9-101	amended	Ch. 276	SB 97
20-9-122	amended	Ch. 34	HB 207
20-9-235	amended	Ch. 411	SB 307
20-9-306	amended	Ch. 550	SB 424
20-9-326	enacted	Ch. 550	SB 424
20-9-331	amended	Ch. 41	HB 88
20-9-344	amended	Ch. 114	SB 10
20-9-366	amended	Ch. 550	SB 424
20-9-370	amended	Ch. 550	SB 424
20-9-371	amended	Ch. 492	SB 441
	amended	Ch. 550	SB 424
20-9-403	amended	Ch. 492	SB 441
20-9-406	amended	Ch. 492	SB 441
20-9-408	amended	Ch. 492	SB 441
20-9-412	amended	Ch. 277	SB 150
20-9-422	amended	Ch. 492	SB 441
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20-9-430	amended	Ch. 492	SB 441
20-9-433	amended	Ch. 492	SB 441
20-9-437	amended	Ch. 492	SB 441
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20-9-439	amended	Ch. 492	SB 441
20-9-440	amended	Ch. 492	SB 441
20-9-472	enacted	Ch. 492	SB 441
20-9-501	amended	Ch. 276	SB 97
	amended	Ch. 550	SB 424
20-9-542	amended	Ch. 550	SB 424
20-9-622	amended	Ch. 291	SB 135
20-9-630	amended	Ch. 550	SB 424
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20-9-631	amended	Ch. 518	SB 454
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20-9-632	amended	Ch. 518	SB 454
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20-10-101	amended	Ch. 550	SB 424

20-10-127	repealed	Ch. 550	SB 424
20-10-128	repealed	Ch. 550	SB 424
20-10-141	amended	Ch. 550	SB 424
20-10-146	amended	Ch. 276	SB 97
20-10-205	amended	Ch. 114	SB 10
20-20-421	amended	Ch. 414	HB 155
20-25-301	amended	Ch. 114	SB 10
20-25-312	amended	Ch. 220	HB 639
20-25-321	amended	Ch. 416	HB 256
20-25-421	amended	Ch. 255	SB 183
20-25-427	amended	Ch. 114	SB 10
20-25-901	amended	Ch. 566	HB 539
20-25-902	amended	Ch. 566	HB 539
22-2-601	amended	Ch. 569	HB 609
22-3-1002	amended	Ch. 485	SB 232
22-3-1003	amended	Ch. 542	SB 101
22-3-1004	amended	Ch. 542	SB 101
22-3-1101	enacted	Ch. 77	HB 601
23-1-105	amended	Ch. 114	SB 10
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23-1-130	repealed	Ch. 233	HB 63
23-2-502	amended	Ch. 477	HB 538
	amended	Ch. 592	HB 559
23-2-508	amended	Ch. 477	HB 538
23-2-509	repealed 1/1/2004	Ch. 477	HB 538
23-2-510	repealed 1/1/2004	Ch. 477	HB 538
	amended	Ch. 592	HB 559
23-2-511	amended	Ch. 592	HB 559
23-2-512	amended	Ch. 592	HB 559
23-2-513	amended	Ch. 477	HB 538
	amended	Ch. 592	HB 559
23-2-514	amended	Ch. 592	HB 559
23-2-515	amended	Ch. 592	HB 559
23-2-516	amended	Ch. 592	HB 559
23-2-517	amended	Ch. 592	HB 559
23-2-518	amended	Ch. 592	HB 559
23-2-519	amended	Ch. 592	HB 559
23-2-520	repealed 1/1/2004	Ch. 477	HB 538
	repealed 1/1/2004	Ch. 592	HB 559
23-2-601	amended	Ch. 477	HB 538
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23-2-611	amended	Ch. 477	HB 538
23-2-612	repealed 1/1/2004	Ch. 477	HB 538
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23-2-613	repealed 1/1/2004	Ch. 477	HB 538
23-2-614	amended	Ch. 477	HB 538
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23-2-615	amended	Ch. 477	HB 538
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23-2-616	amended	Ch. 477	HB 538
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23-2-617	amended	Ch. 592	HB 559
23-2-618	repealed 1/1/2004	Ch. 592	HB 559
23-2-619	amended	Ch. 477	HB 538
23-2-620	repealed 1/1/2004	Ch. 477	HB 538
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23-2-622	amended	Ch. 477	HB 538
23-2-626	amended	Ch. 592	HB 559
23-2-631	amended	Ch. 477	HB 538
23-2-634	amended	Ch. 477	HB 538
23-2-641	amended	Ch. 477	HB 538

23-2-642	amended	Ch. 477	HB 538
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23-2-644	amended	Ch. 477	HB 538
23-2-801	amended	Ch. 477	HB 538
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23-2-807	amended	Ch. 592	HB 559
23-2-809	amended	Ch. 114	SB 10
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23-2-810	repealed 1/1/2004	Ch. 477	HB 538
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23-2-811	repealed 1/1/2004	Ch. 477	HB 538
23-2-812	repealed 1/1/2004	Ch. 477	HB 538
23-2-813	repealed 1/1/2004	Ch. 477	HB 538
23-2-814	amended	Ch. 477	HB 538
23-2-817	amended	Ch. 477	HB 538
	amended	Ch. 592	HB 559
23-2-818	amended	Ch. 477	HB 538
23-3-405	amended	Ch. 375	HB 98
23-3-501	amended	Ch. 375	HB 98
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23-5-177	amended	Ch. 110	SB 40
23-5-602	amended	Ch. 210	HB 122
23-5-610	amended	Ch. 210	HB 122
23-5-611	amended	Ch. 210	HB 122
23-5-612	amended	Ch. 29	HB 162
	amended	Ch. 471	HB 758
23-5-621	amended	Ch. 210	HB 122
23-5-631	amended	Ch. 190	HB 182
23-5-637	amended	Ch. 210	HB 122
23-7-202	amended	Ch. 211	HB 165
23-7-306	amended	Ch. 107	SB 32
23-7-310	amended	Ch. 107	SB 32
25-1-201	amended	Ch. 100	HB 450
25-2-118	amended	Ch. 314	SB 283
25-9-302	amended	Ch. 45	HB 209
	amended	Ch. 510	SB 275
25-9-303	amended	Ch. 510	SB 275
25-13-402	amended	Ch. 114	SB 10
	amended	Ch. 510	SB 275
25-13-608	amended	Ch. 429	HB 213
25-30-102	amended	Ch. 510	SB 275
25-33-301	amended	Ch. 389	HB 358
27-1-220	amended	Ch. 457	SB 363
27-1-221	amended	Ch. 121	HB 212
27-1-434	enacted	Ch. 366	HB 553
27-1-710	amended	Ch. 489	SB 337
27-1-717	amended	Ch. 510	SB 275
27-1-732	amended	Ch. 114	SB 10
27-1-737	repealed	Ch. 463	SB 447
27-2-208	amended	Ch. 412	SB 389
27-12-104	amended	Ch. 175	HB 621
27-12-206	amended	Ch. 271	HB 285
28-2-2101	amended	Ch. 274	HB 438
28-2-2103	amended	Ch. 274	HB 438
28-2-2111	enacted	Ch. 305	HB 482
28-2-2115	enacted	Ch. 274	HB 438
28-2-2116	enacted	Ch. 274	HB 438
28-2-2117	enacted	Ch. 274	HB 438
30-9A-311	amended	Ch. 477	HB 538
30-10-103	amended	Ch. 156	SB 144
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30-10-105	amended	Ch. 202	SB 125
30-10-107	amended	Ch. 156	SB 144
30-10-209	amended	Ch. 156	SB 144
30-10-211	amended	Ch. 156	SB 144
30-10-324	amended	Ch. 446	HB 667
30-10-325	amended	Ch. 446	HB 667
30-13-206	amended	Ch. 75	HB 194
30-13-207	amended	Ch. 75	HB 194
30-13-301	amended	Ch. 257	HB 323
30-13-302	repealed	Ch. 257	HB 323
30-13-303	amended	Ch. 257	HB 323
30-13-310	enacted	Ch. 257	HB 323
30-13-311	amended	Ch. 257	HB 323
30-13-312	amended	Ch. 257	HB 323
30-13-313	amended	Ch. 257	HB 323
30-13-314	repealed	Ch. 257	HB 323
30-13-315	amended	Ch. 257	HB 323
30-13-316	repealed	Ch. 257	HB 323
30-13-317	amended	Ch. 257	HB 323
30-13-318	amended	Ch. 257	HB 323
30-13-319	repealed	Ch. 257	HB 323
30-13-331	amended	Ch. 257	HB 323
30-13-332	amended	Ch. 257	HB 323
30-13-333	amended	Ch. 257	HB 323
30-13-334	amended	Ch. 257	HB 323
30-13-335	amended	Ch. 257	HB 323
30-13-337	enacted	Ch. 257	HB 323
30-13-341	repealed	Ch. 257	HB 323
30-14-102	amended	Ch. 322	HB 127
30-14-105	amended	Ch. 322	HB 127
30-14-111	amended	Ch. 322	HB 127
30-14-131	amended	Ch. 322	HB 127
30-14-133	amended	Ch. 322	HB 127
30-14-142	amended	Ch. 322	HB 127
30-14-143	enacted	Ch. 136	HB 126
30-14-211	amended	Ch. 322	HB 127
30-14-215	repealed	Ch. 322	HB 127
30-14-219	amended	Ch. 322	HB 127
30-14-220	amended	Ch. 322	HB 127
30-14-222	amended	Ch. 322	HB 127
30-14-223	amended	Ch. 322	HB 127
30-14-224	amended	Ch. 322	HB 127
30-14-226	enacted	Ch. 136	HB 126
30-14-501	amended	Ch. 322	HB 127
30-14-502	amended	Ch. 322	HB 127
30-14-503	amended	Ch. 322	HB 127
30-14-506	amended	Ch. 322	HB 127
30-14-1501	enacted	Ch. 312	HB 637
30-14-1601	enacted	Ch. 589	HB 424
30-14-1602	enacted	Ch. 589	HB 424
30-14-1603	enacted	Ch. 589	HB 424
30-14-1604	enacted	Ch. 589	HB 424
30-14-1605	enacted	Ch. 589	HB 424
30-14-1606	enacted	Ch. 589	HB 424
30-16-103	amended	Ch. 405	SB 146
30-16-301	amended	Ch. 474	HB 159
30-16-303	amended	Ch. 190	HB 182
31-1-221	amended	Ch. 9	HB 34
31-1-704	amended	Ch. 114	SB 10
	amended	Ch. 221	SB 28
31-1-712	amended	Ch. 221	SB 28
31-1-721	amended	Ch. 221	SB 28
31-1-722	amended	Ch. 221	SB 28

31-1-724	amended	Ch. 221	SB 28
31-1-802	amended	Ch. 178	SB 26
31-1-803	amended	Ch. 178	SB 26
31-1-811	amended	Ch. 178	SB 26
31-1-816	amended	Ch. 477	HB 538
31-1-817	amended	Ch. 178	SB 26
31-1-825	amended	Ch. 178	SB 26
31-1-826	amended	Ch. 178	SB 26
31-2-106	amended	Ch. 114	SB 10
32-1-102	amended	Ch. 340	SB 380
32-1-115	enacted	Ch. 340	SB 380
32-1-335	amended	Ch. 105	SB 21
32-1-370	amended	Ch. 105	SB 21
32-1-402	amended	Ch. 105	SB 21
	amended	Ch. 340	SB 380
32-1-412	amended	Ch. 105	SB 21
32-1-423	amended	Ch. 105	SB 21
32-3-103	amended	Ch. 237	HB 319
32-3-106	amended	Ch. 340	SB 380
32-3-201	amended	Ch. 237	HB 319
32-3-202	amended	Ch. 237	HB 319
32-3-203	amended	Ch. 64	HB 36
	amended	Ch. 237	HB 319
32-3-204	amended	Ch. 237	HB 319
32-3-205	amended	Ch. 237	HB 319
32-3-206	amended	Ch. 237	HB 319
32-3-207	enacted	Ch. 237	HB 319
32-3-211	enacted	Ch. 237	HB 319
32-3-212	enacted	Ch. 237	HB 319
32-3-215	enacted	Ch. 237	HB 319
32-3-216	enacted	Ch. 237	HB 319
32-3-301	amended	Ch. 237	HB 319
32-3-302	amended	Ch. 237	HB 319
32-3-303	amended	Ch. 237	HB 319
32-3-307	amended	Ch. 237	HB 319
32-3-310	amended	Ch. 237	HB 319
32-3-321	amended	Ch. 237	HB 319
32-3-322	amended	Ch. 237	HB 319
32-3-323	amended	Ch. 237	HB 319
32-3-401	amended	Ch. 237	HB 319
32-3-403	amended	Ch. 237	HB 319
32-3-404	amended	Ch. 237	HB 319
32-3-408	amended	Ch. 237	HB 319
32-3-411	amended	Ch. 237	HB 319
32-3-412	amended	Ch. 237	HB 319
32-3-414	amended	Ch. 237	HB 319
32-3-417	amended	Ch. 237	HB 319
32-3-505	amended	Ch. 237	HB 319
32-3-506	amended	Ch. 237	HB 319
32-3-508	amended	Ch. 237	HB 319
32-3-601	amended	Ch. 237	HB 319
32-3-602	amended	Ch. 237	HB 319
32-3-604	amended	Ch. 237	HB 319
32-3-608	amended	Ch. 237	HB 319
32-3-611	amended	Ch. 237	HB 319
32-3-702	amended	Ch. 64	HB 36
	amended	Ch. 237	HB 319
32-3-703	amended	Ch. 237	HB 319
32-3-704	repealed	Ch. 64	HB 36
	repealed	Ch. 237	HB 319
32-3-705	amended	Ch. 237	HB 319
32-5-102	amended	Ch. 178	SB 26
	amended	Ch. 221	SB 28

32-5-301	amended	Ch. 308	HB 555
32-6-104	amended	Ch. 186	SB 172
32-7-109	amended	Ch. 65	HB 45
32-7-110	amended	Ch. 65	HB 45
32-7-117	amended	Ch. 65	HB 45
32-9-101	enacted	Ch. 516	SB 402
32-9-102	enacted	Ch. 516	SB 402
32-9-103	enacted	Ch. 516	SB 402
32-9-104	enacted	Ch. 516	SB 402
32-9-108	enacted	Ch. 516	SB 402
32-9-109	enacted	Ch. 516	SB 402
32-9-110	enacted	Ch. 516	SB 402
32-9-111	enacted	Ch. 516	SB 402
32-9-115	enacted	Ch. 516	SB 402
32-9-116	enacted	Ch. 516	SB 402
32-9-117	enacted	Ch. 516	SB 402
32-9-118	enacted	Ch. 516	SB 402
32-9-121	enacted	Ch. 516	SB 402
32-9-122	enacted	Ch. 516	SB 402
32-9-123	enacted	Ch. 516	SB 402
32-9-124	enacted	Ch. 516	SB 402
32-9-125	enacted	Ch. 516	SB 402
32-9-126	enacted	Ch. 516	SB 402
32-9-130	enacted	Ch. 516	SB 402
32-9-131	enacted	Ch. 516	SB 402
32-9-132	enacted	Ch. 516	SB 402
32-9-133	enacted	Ch. 516	SB 402
33-1-220	enacted	Ch. 427	HB 169
33-1-235	enacted	Ch. 380	HB 145
33-1-315	amended	Ch. 493	SB 444
33-1-318	amended	Ch. 493	SB 444
33-1-408	amended	Ch. 380	HB 145
33-1-705	amended	Ch. 380	HB 145
33-1-1202	amended	Ch. 380	HB 145
33-2-115	amended	Ch. 380	HB 145
33-2-305	amended	Ch. 427	HB 169
33-2-307	amended	Ch. 380	HB 145
33-2-326	amended	Ch. 380	HB 145
33-2-708	amended	Ch. 380	HB 145
	amended	Ch. 427	HB 169
33-2-724	enacted	Ch. 582	SB 484
33-3-201	amended	Ch. 380	HB 145
33-3-401	amended	Ch. 493	SB 444
33-3-441	amended	Ch. 380	HB 145
33-3-450	enacted	Ch. 380	HB 145
33-3-451	enacted	Ch. 380	HB 145
33-3-452	enacted	Ch. 380	HB 145
33-3-453	enacted	Ch. 380	HB 145
33-4-101	amended	Ch. 380	HB 145
33-4-202	amended	Ch. 380	HB 145
33-5-201	amended	Ch. 500	HB 577
33-7-525	amended	Ch. 427	HB 169
33-7-532	amended	Ch. 427	HB 169
33-10-102	amended	Ch. 380	HB 145
33-10-201	amended	Ch. 195	SB 151
33-10-202	amended	Ch. 195	SB 151
33-10-203	amended	Ch. 195	SB 151
33-10-205	amended	Ch. 195	SB 151
33-10-206	amended	Ch. 195	SB 151
33-10-207	amended	Ch. 195	SB 151
	amended	Ch. 380	HB 145
33-10-210	amended	Ch. 195	SB 151
33-10-215	amended	Ch. 195	SB 151

33-10-217	amended	Ch. 195	SB 151
33-10-219	amended	Ch. 195	SB 151
33-10-220	amended	Ch. 195	SB 151
33-10-221	amended	Ch. 195	SB 151
33-10-222	amended	Ch. 195	SB 151
33-10-223	amended	Ch. 195	SB 151
33-10-224	amended	Ch. 195	SB 151
33-10-226	amended	Ch. 195	SB 151
33-10-227	amended	Ch. 195	SB 151
33-10-235	enacted	Ch. 195	SB 151
33-10-236	enacted	Ch. 195	SB 151
33-15-1101	amended	Ch. 501	HB 588
33-15-1104	amended	Ch. 339	SB 341
33-15-1105	amended	Ch. 339	SB 341
33-15-1106	amended	Ch. 339	SB 341
33-15-1108	enacted	Ch. 501	HB 588
33-16-403	amended	Ch. 380	HB 145
33-17-102	amended	Ch. 427	HB 169
33-17-103	amended	Ch. 427	HB 169
33-17-201	amended	Ch. 427	HB 169
33-17-211	amended	Ch. 427	HB 169
33-17-212	amended	Ch. 427	HB 169
33-17-214	amended	Ch. 427	HB 169
33-17-219	enacted	Ch. 427	HB 169
33-17-220	enacted	Ch. 427	HB 169
33-17-301	amended	Ch. 427	HB 169
33-17-409	enacted	Ch. 427	HB 169
33-17-502	amended	Ch. 427	HB 169
33-17-503	amended	Ch. 380	HB 145
33-17-504	amended	Ch. 427	HB 169
33-17-511	amended	Ch. 380	HB 145
33-17-1001	amended	Ch. 427	HB 169
33-17-1002	amended	Ch. 427	HB 169
33-17-1004	amended	Ch. 493	SB 444
33-17-1005	enacted	Ch. 493	SB 444
33-17-1102	amended	Ch. 380	HB 145
33-17-1203	amended	Ch. 427	HB 169
33-17-1204	amended	Ch. 380	HB 145
33-17-1205	amended	Ch. 427	HB 169
33-17-1207	amended	Ch. 427	HB 169
33-17-1501	enacted	Ch. 409	SB 254
33-17-1502	enacted	Ch. 409	SB 254
33-17-1503	enacted	Ch. 409	SB 254
33-17-1504	enacted	Ch. 409	SB 254
33-17-1505	enacted	Ch. 409	SB 254
33-18-231	amended	Ch. 378	HB 130
33-18-232	amended	Ch. 378	HB 130
33-18-233	amended	Ch. 378	HB 130
33-18-245	enacted	Ch. 378	HB 130
33-19-104	amended	Ch. 385	HB 205
33-19-105	amended	Ch. 385	HB 205
33-19-202	amended	Ch. 385	HB 205
33-19-301	amended	Ch. 385	HB 205
33-19-306	amended	Ch. 385	HB 205
33-19-307	amended	Ch. 385	HB 205
33-20-101	amended	Ch. 380	HB 145
33-20-103	amended	Ch. 380	HB 145
33-20-105	amended	Ch. 380	HB 145
33-20-114	amended	Ch. 380	HB 145
33-20-505	amended	Ch. 512	SB 344
33-20-701	enacted	Ch. 482	SB 143
33-20-702	enacted	Ch. 482	SB 143
33-20-703	enacted	Ch. 482	SB 143

33-20-704	enacted	Ch. 482	SB 143
33-20-705	enacted	Ch. 482	SB 143
33-20-1202	amended	Ch. 380	HB 145
33-20-1203	amended	Ch. 380	HB 145
33-20-1204	amended	Ch. 380	HB 145
33-20-1205	amended	Ch. 380	HB 145
33-20-1206	amended	Ch. 380	HB 145
33-20-1207	amended	Ch. 380	HB 145
33-20-1209	amended	Ch. 380	HB 145
33-20-1210	amended	Ch. 380	HB 145
33-20-1213	amended	Ch. 380	HB 145
33-20-1302	amended	Ch. 493	SB 444
33-20-1315	amended	Ch. 493	SB 444
33-20-1317	amended	Ch. 114	SB 10
33-22-101	amended	Ch. 380	HB 145
33-22-107	amended	Ch. 380	HB 145
	amended	Ch. 384	HB 183
33-22-122	amended	Ch. 384	HB 183
33-22-141	amended	Ch. 384	HB 183
33-22-142	amended	Ch. 384	HB 183
33-22-261	enacted	Ch. 325	HB 384
33-22-262	enacted	Ch. 325	HB 384
33-22-263	enacted	Ch. 325	HB 384
33-22-301	amended	Ch. 325	HB 384
33-22-303	amended	Ch. 380	HB 145
33-22-512	amended	Ch. 380	HB 145
33-22-530	enacted	Ch. 384	HB 183
33-22-706	amended	Ch. 325	HB 384
33-22-1501	amended	Ch. 453	SB 111
33-22-1502	amended	Ch. 453	SB 111
33-22-1512	amended	Ch. 380	HB 145
33-22-1513	amended	Ch. 380	HB 145
	amended	Ch. 453	SB 111
33-22-1516	amended	Ch. 453	SB 111
33-22-1524	amended	Ch. 453	SB 111
33-22-1815	amended	Ch. 376	HB 104
33-23-212	amended	Ch. 339	SB 341
	amended	Ch. 380	HB 145
33-23-214	amended	Ch. 339	SB 341
33-23-302	amended	Ch. 339	SB 341
33-23-312	enacted	Ch. 339	SB 341
33-23-401	amended	Ch. 339	SB 341
33-26-108	enacted	Ch. 427	HB 169
33-28-101	amended	Ch. 383	HB 179
33-28-102	amended	Ch. 383	HB 179
33-28-104	amended	Ch. 383	HB 179
33-28-105	amended	Ch. 383	HB 179
33-28-107	amended	Ch. 383	HB 179
33-28-108	amended	Ch. 383	HB 179
33-28-201	amended	Ch. 383	HB 179
33-28-207	amended	Ch. 383	HB 179
33-28-301	enacted	Ch. 383	HB 179
33-28-302	enacted	Ch. 383	HB 179
33-28-303	enacted	Ch. 383	HB 179
33-28-304	enacted	Ch. 383	HB 179
33-28-305	enacted	Ch. 383	HB 179
33-28-306	enacted	Ch. 383	HB 179
33-30-102	amended	Ch. 380	HB 145
33-30-107	amended	Ch. 380	HB 145
33-30-204	amended	Ch. 380	HB 145
33-30-307	repealed 1/1/2004	Ch. 384	HB 183
33-30-1001	amended	Ch. 325	HB 384
33-30-1007	amended	Ch. 384	HB 183

33-31-111	amended	Ch. 325	HB 384
	amended	Ch. 380	HB 145
	amended	Ch. 384	HB 183
33-31-202	amended	Ch. 325	HB 384
33-31-212	amended	Ch. 380	HB 145
33-31-301	amended	Ch. 325	HB 384
33-35-306	amended	Ch. 380	HB 145
	amended	Ch. 384	HB 183
33-36-201	amended	Ch. 325	HB 384
33-36-205	amended	Ch. 325	HB 384
35-1-216	amended	Ch. 75	HB 194
35-1-217	amended	Ch. 75	HB 194
35-1-314	amended	Ch. 75	HB 194
35-1-1031	amended	Ch. 75	HB 194
35-1-1308	amended	Ch. 75	HB 194
35-1-1309	amended	Ch. 75	HB 194
35-1-1315	enacted	Ch. 75	HB 194
35-2-310	amended	Ch. 75	HB 194
35-6-201	amended	Ch. 75	HB 194
35-8-105	amended	Ch. 75	HB 194
35-8-202	amended	Ch. 75	HB 194
35-8-210	amended	Ch. 75	HB 194
35-8-912	amended	Ch. 75	HB 194
35-12-601	amended	Ch. 75	HB 194
35-12-606	amended	Ch. 75	HB 194
35-12-611	amended	Ch. 75	HB 194
35-12-612	amended	Ch. 75	HB 194
35-12-620	enacted	Ch. 75	HB 194
35-12-1302	amended	Ch. 75	HB 194
35-12-1303	amended	Ch. 75	HB 194
35-19-103	repealed	Ch. 565	HB 509
35-19-104	amended	Ch. 565	HB 509
37-1-105	amended	Ch. 271	HB 285
37-1-136	amended	Ch. 271	HB 285
37-1-138	enacted	Ch. 271	HB 285
37-1-401	amended	Ch. 410	SB 306
37-3-102	amended	Ch. 85	HB 321
	amended	Ch. 224	SB 109
37-3-103	amended	Ch. 85	HB 321
	amended	Ch. 224	SB 109
37-3-104	enacted	Ch. 85	HB 321
37-3-203	amended	Ch. 224	SB 109
37-3-303	amended	Ch. 85	HB 321
	amended	Ch. 224	SB 109
37-3-304	amended	Ch. 85	HB 321
	amended	Ch. 224	SB 109
	amended	Ch. 306	HB 494
37-3-305	amended	Ch. 306	HB 494
37-3-307	amended	Ch. 224	SB 109
37-3-313	amended	Ch. 224	SB 109
	amended	Ch. 271	HB 285
37-3-315	amended	Ch. 224	SB 109
37-3-345	amended	Ch. 224	SB 109
37-3-346	amended	Ch. 271	HB 285
37-4-103	amended	Ch. 67	HB 65
37-4-301	amended	Ch. 224	SB 109
37-4-307	amended	Ch. 271	HB 285
37-4-311	amended	Ch. 224	SB 109
37-4-312	amended	Ch. 224	SB 109
37-4-340	enacted	Ch. 67	HB 65
37-4-402	amended	Ch. 224	SB 109
37-4-405	amended	Ch. 172	SB 190
37-4-406	amended	Ch. 271	HB 285

37-5-101	repealed	Ch. 224	SB 109
37-5-102	repealed	Ch. 224	SB 109
37-5-301	repealed	Ch. 224	SB 109
37-5-302	repealed	Ch. 224	SB 109
37-5-305	repealed	Ch. 224	SB 109
37-5-307	repealed	Ch. 224	SB 109
	amended	Ch. 271	HB 285
37-5-312	repealed	Ch. 224	SB 109
37-6-304	amended	Ch. 224	SB 109
	amended	Ch. 271	HB 285
37-7-103	amended	Ch. 60	HB 181
37-7-303	amended	Ch. 271	HB 285
37-7-602	amended	Ch. 114	SB 10
37-8-101	amended	Ch. 448	HB 681
37-8-102	amended	Ch. 54	HB 51
	amended	Ch. 317	SB 331
	amended	Ch. 448	HB 681
37-8-202	amended	Ch. 448	HB 681
37-8-422	enacted and amended	Ch. 448	HB 681
37-8-431	amended	Ch. 271	HB 285
	amended	Ch. 317	SB 331
37-8-443	amended	Ch. 317	SB 331
37-9-305	amended	Ch. 271	HB 285
37-10-307	amended	Ch. 271	HB 285
37-11-201	amended	Ch. 271	HB 285
37-11-308	amended	Ch. 271	HB 285
37-12-102	amended	Ch. 224	SB 109
37-12-302	amended	Ch. 224	SB 109
37-12-304	amended	Ch. 224	SB 109
37-12-307	amended	Ch. 271	HB 285
37-13-306	amended	Ch. 224	SB 109
	amended	Ch. 271	HB 285
37-14-102	amended	Ch. 307	HB 501
37-14-301	amended	Ch. 307	HB 501
37-14-310	amended	Ch. 271	HB 285
37-14-313	enacted	Ch. 307	HB 501
37-15-308	amended	Ch. 271	HB 285
37-16-403	amended	Ch. 224	SB 109
37-16-407	amended	Ch. 271	HB 285
37-17-306	amended	Ch. 271	HB 285
37-17-307	amended	Ch. 271	HB 285
37-18-104	amended	Ch. 60	HB 181
37-18-307	amended	Ch. 271	HB 285
37-18-601	enacted	Ch. 60	HB 181
37-18-602	enacted	Ch. 60	HB 181
37-18-603	enacted	Ch. 60	HB 181
37-18-604	enacted	Ch. 60	HB 181
37-18-605	enacted	Ch. 60	HB 181
37-18-606	enacted	Ch. 60	HB 181
37-19-302	amended	Ch. 224	SB 109
37-19-303	amended	Ch. 224	SB 109
37-19-306	amended	Ch. 271	HB 285
37-20-302	amended	Ch. 224	SB 109
	amended	Ch. 271	HB 285
37-20-303	amended	Ch. 224	SB 109
	amended	Ch. 243	HB 196
37-21-302	amended	Ch. 271	HB 285
37-22-304	amended	Ch. 271	HB 285
37-23-205	amended	Ch. 271	HB 285
37-24-103	amended	Ch. 101	HB 542
37-24-104	amended	Ch. 114	SB 10
37-24-106	amended	Ch. 101	HB 542
37-24-107	enacted	Ch. 101	HB 542

37-24-108	enacted	Ch. 101	HB 542
37-24-109	enacted	Ch. 101	HB 542
37-24-303	amended	Ch. 114	SB 10
37-24-308	amended	Ch. 271	HB 285
37-25-307	amended	Ch. 271	HB 285
37-26-201	amended	Ch. 271	HB 285
37-26-301	amended	Ch. 224	SB 109
37-27-105	amended	Ch. 224	SB 109
	amended	Ch. 271	HB 285
37-27-202	amended	Ch. 224	SB 109
37-28-203	amended	Ch. 271	HB 285
37-29-304	amended	Ch. 224	SB 109
37-29-306	amended	Ch. 271	HB 285
37-30-101	repealed	Ch. 243	HB 196
37-30-201	repealed	Ch. 243	HB 196
37-30-202	repealed	Ch. 243	HB 196
37-30-203	repealed	Ch. 243	HB 196
37-30-301	repealed	Ch. 243	HB 196
37-30-303	repealed	Ch. 243	HB 196
37-30-305	repealed	Ch. 243	HB 196
37-30-307	repealed	Ch. 243	HB 196
37-30-308	repealed	Ch. 243	HB 196
37-30-310	repealed	Ch. 243	HB 196
37-30-311	repealed	Ch. 243	HB 196
37-30-401	repealed	Ch. 243	HB 196
37-30-402	repealed	Ch. 243	HB 196
37-30-403	repealed	Ch. 243	HB 196
37-30-404	repealed	Ch. 243	HB 196
37-30-405	repealed	Ch. 243	HB 196
37-30-406	repealed	Ch. 243	HB 196
37-30-407	repealed	Ch. 243	HB 196
37-30-411	repealed	Ch. 243	HB 196
37-30-412	repealed	Ch. 243	HB 196
37-30-413	repealed	Ch. 243	HB 196
37-30-421	repealed	Ch. 243	HB 196
37-30-422	repealed	Ch. 243	HB 196
37-30-423	repealed	Ch. 243	HB 196
37-30-424	repealed	Ch. 243	HB 196
37-30-501	repealed	Ch. 243	HB 196
37-31-101	amended	Ch. 243	HB 196
37-31-102	amended	Ch. 243	HB 196
	amended	Ch. 244	HB 354
37-31-103	enacted	Ch. 243	HB 196
37-31-203	amended	Ch. 243	HB 196
37-31-301	amended	Ch. 243	HB 196
37-31-302	amended	Ch. 243	HB 196
37-31-303	amended	Ch. 243	HB 196
37-31-304	amended	Ch. 243	HB 196
37-31-305	amended	Ch. 243	HB 196
37-31-308	amended	Ch. 243	HB 196
37-31-311	amended	Ch. 243	HB 196
37-31-312	amended	Ch. 243	HB 196
37-31-321	amended	Ch. 243	HB 196
37-31-322	amended	Ch. 243	HB 196
	amended	Ch. 271	HB 285
37-31-323	amended	Ch. 243	HB 196
37-31-331	amended	Ch. 243	HB 196
37-32-101	repealed	Ch. 243	HB 196
37-32-102	repealed	Ch. 243	HB 196
37-32-103	repealed	Ch. 243	HB 196
37-32-201	repealed	Ch. 243	HB 196
37-32-301	repealed	Ch. 243	HB 196
37-32-302	repealed	Ch. 243	HB 196

37-32-304	repealed	Ch. 243	HB 196
37-32-305	repealed	Ch. 243	HB 196
	amended	Ch. 271	HB 285
37-32-306	repealed	Ch. 243	HB 196
37-32-311	repealed	Ch. 243	HB 196
37-34-201	amended	Ch. 271	HB 285
37-35-203	amended	Ch. 271	HB 285
37-40-302	amended	Ch. 196	HB 174
37-40-304	amended	Ch. 271	HB 285
37-42-308	amended	Ch. 271	HB 285
37-43-307	amended	Ch. 271	HB 285
37-43-313	amended	Ch. 271	HB 285
37-47-304	amended	Ch. 196	HB 174
37-47-307	amended	Ch. 271	HB 285
37-47-310	amended	Ch. 91	HB 411
37-50-102	amended	Ch. 375	HB 98
37-50-203	amended	Ch. 375	HB 98
37-50-204	amended	Ch. 196	HB 174
37-50-301	amended	Ch. 375	HB 98
37-50-305	amended	Ch. 196	HB 174
37-50-308	amended	Ch. 196	HB 174
37-50-309	amended	Ch. 196	HB 174
37-50-311	amended	Ch. 375	HB 98
37-50-312	amended	Ch. 375	HB 98
37-50-313	amended	Ch. 375	HB 98
37-50-317	amended	Ch. 271	HB 285
37-50-335	amended	Ch. 375	HB 98
37-51-204	amended	Ch. 375	HB 98
37-51-303	amended	Ch. 196	HB 174
37-51-307	repealed	Ch. 375	HB 98
37-51-310	amended	Ch. 271	HB 285
37-53-103	amended	Ch. 271	HB 285
37-53-203	amended	Ch. 271	HB 285
37-54-102	amended	Ch. 341	SB 432
37-54-105	amended	Ch. 196	HB 174
37-54-110	repealed	Ch. 375	HB 98
37-54-201	amended	Ch. 196	HB 174
37-54-202	amended	Ch. 341	SB 432
37-54-211	amended	Ch. 271	HB 285
37-54-302	amended	Ch. 196	HB 174
37-54-304	repealed	Ch. 196	HB 174
	amended	Ch. 341	SB 432
37-54-305	amended	Ch. 196	HB 174
37-54-311	amended	Ch. 271	HB 285
37-60-303	amended	Ch. 375	HB 98
37-60-304	amended	Ch. 375	HB 98
37-60-312	amended	Ch. 271	HB 285
37-65-303	amended	Ch. 196	HB 174
37-65-306	amended	Ch. 271	HB 285
37-66-307	amended	Ch. 271	HB 285
37-67-303	amended	Ch. 196	HB 174
37-67-311	amended	Ch. 196	HB 174
37-67-315	amended	Ch. 271	HB 285
37-68-304	amended	Ch. 196	HB 174
37-68-305	amended	Ch. 196	HB 174
37-68-307	amended	Ch. 196	HB 174
37-68-310	amended	Ch. 271	HB 285
37-68-311	amended	Ch. 196	HB 174
37-69-304	amended	Ch. 196	HB 174
37-69-305	amended	Ch. 196	HB 174
37-69-307	amended	Ch. 196	HB 174
	amended	Ch. 271	HB 285
37-72-303	amended	Ch. 196	HB 174

37-72-304	amended	Ch. 196	HB 174
37-72-305	amended	Ch. 196	HB 174
37-72-306	amended	Ch. 271	HB 285
37-76-101	enacted	Ch. 410	SB 306
37-76-102	enacted	Ch. 410	SB 306
37-76-103	enacted	Ch. 410	SB 306
37-76-104	enacted	Ch. 410	SB 306
37-76-105	enacted	Ch. 410	SB 306
37-76-106	enacted	Ch. 410	SB 306
37-76-107	enacted	Ch. 410	SB 306
37-76-108	enacted	Ch. 410	SB 306
37-76-109	enacted	Ch. 410	SB 306
37-76-113	enacted	Ch. 410	SB 306
37-76-114	enacted	Ch. 410	SB 306
37-76-115	enacted	Ch. 410	SB 306
37-76-116	enacted	Ch. 410	SB 306
37-76-117	enacted	Ch. 410	SB 306
37-76-118	enacted	Ch. 410	SB 306
37-76-119	enacted	Ch. 410	SB 306
37-76-120	enacted	Ch. 410	SB 306
37-76-121	enacted	Ch. 410	SB 306
37-76-122	enacted	Ch. 410	SB 306
37-76-123	enacted	Ch. 410	SB 306
39-3-204	amended	Ch. 301	HB 230
39-3-406	amended	Ch. 54	HB 51
	amended	Ch. 83	HB 150
39-8-102	amended	Ch. 149	HB 493
39-10-204	amended	Ch. 114	SB 10
39-11-101	enacted	Ch. 567	HB 564
39-11-102	enacted	Ch. 567	HB 564
39-11-103	enacted	Ch. 567	HB 564
39-11-201	enacted	Ch. 567	HB 564
39-11-202	enacted	Ch. 567	HB 564
39-11-203	enacted	Ch. 567	HB 564
39-11-204	enacted	Ch. 567	HB 564
39-29-101	amended	Ch. 24	HB 35
39-51-201	amended	Ch. 267	SB 162
39-51-204	amended	Ch. 83	HB 150
	amended	Ch. 94	HB 72
	amended	Ch. 197	HB 312
	amended	Ch. 243	HB 196
39-51-301	amended	Ch. 597	SB 271
39-51-404	amended	Ch. 94	HB 72
39-51-1109	amended	Ch. 597	SB 271
39-51-1206	amended	Ch. 95	HB 117
39-51-1218	amended	Ch. 432	HB 338
39-51-1301	amended	Ch. 95	HB 117
	amended	Ch. 597	SB 271
39-51-2201	amended	Ch. 432	HB 338
39-51-2204	amended	Ch. 432	HB 338
39-51-2302	amended	Ch. 94	HB 72
39-51-2402	amended	Ch. 597	SB 271
39-51-2501	amended	Ch. 114	SB 10
39-71-116	amended	Ch. 224	SB 109
39-71-401	amended	Ch. 83	HB 150
	amended	Ch. 193	SB 108
39-71-407	amended	Ch. 435	HB 410
39-71-503	amended	Ch. 193	SB 108
39-71-504	amended	Ch. 193	SB 108
39-71-506	amended	Ch. 193	SB 108
39-71-520	amended	Ch. 193	SB 108
39-71-535	enacted	Ch. 193	SB 108
39-71-604	amended	Ch. 464	SB 450

39-71-611	amended	Ch. 464	SB 450
39-71-612	amended	Ch. 464	SB 450
39-71-702	amended	Ch. 138	HB 164
39-71-703	amended	Ch. 464	SB 450
39-71-704	amended	Ch. 377	HB 110
39-71-736	amended	Ch. 486	SB 282
39-71-901	amended	Ch. 193	SB 108
39-71-911	amended	Ch. 193	SB 108
39-71-915	amended	Ch. 193	SB 108
39-71-920	enacted	Ch. 193	SB 108
39-71-1004	amended	Ch. 193	SB 108
39-71-1501	amended	Ch. 170	HB 656
39-71-1502	amended	Ch. 170	HB 656
39-71-1503	amended	Ch. 170	HB 656
39-71-2316	amended	Ch. 603	SB 360
39-71-2320	amended	Ch. 603	SB 360
39-71-2322	amended	Ch. 603	SB 360
39-71-2327	amended	Ch. 603	SB 360
39-71-2352	amended	Ch. 588	HB 363
39-71-2615	amended	Ch. 226	SB 216
40-4-104	amended	Ch. 314	SB 283
40-4-121	amended	Ch. 309	HB 579
40-4-305	amended	Ch. 314	SB 283
40-5-225	amended	Ch. 573	HB 693
40-5-248	amended	Ch. 477	HB 538
40-5-906	amended	Ch. 114	SB 10
40-5-909	amended	Ch. 114	SB 10
40-15-402	amended	Ch. 259	HB 496
40-15-403	amended	Ch. 259	HB 496
41-1-401	amended	Ch. 396	HB 647
41-1-402	amended	Ch. 396	HB 647
41-1-403	amended	Ch. 396	HB 647
41-2-117	amended	Ch. 260	HB 507
41-3-101	amended	Ch. 504	SB 95
41-3-102	amended	Ch. 398	HB 703
	amended	Ch. 406	SB 191
	amended	Ch. 458	SB 364
	amended	Ch. 504	SB 95
	amended	Ch. 555	HB 90
41-3-103	amended	Ch. 504	SB 95
41-3-113	amended	Ch. 504	SB 95
41-3-202	amended	Ch. 406	SB 191
	amended	Ch. 555	HB 90
41-3-205	amended	Ch. 504	SB 95
41-3-301	amended	Ch. 398	HB 703
	amended	Ch. 504	SB 95
	amended	Ch. 555	HB 90
41-3-302	amended	Ch. 555	HB 90
41-3-422	amended	Ch. 189	SB 257
	amended	Ch. 504	SB 95
41-3-423	amended	Ch. 555	HB 90
41-3-424	enacted	Ch. 555	HB 90
41-3-427	amended	Ch. 504	SB 95
41-3-432	amended	Ch. 189	SB 257
	amended	Ch. 504	SB 95
41-3-434	amended	Ch. 504	SB 95
41-3-437	amended	Ch. 504	SB 95
41-3-438	amended	Ch. 504	SB 95
41-3-439	amended	Ch. 114	SB 10
41-3-442	amended	Ch. 504	SB 95
41-3-445	amended	Ch. 504	SB 95
41-3-604	amended	Ch. 504	SB 95
41-3-607	amended	Ch. 504	SB 95

41-3-609	amended	Ch. 44	HB 208
	amended	Ch. 504	SB 95
41-3-610	repealed	Ch. 504	SB 95
41-3-611	amended	Ch. 504	SB 95
41-3-1008	amended	Ch. 504	SB 95
41-5-103	amended	Ch. 114	SB 10
	amended	Ch. 188	SB 238
41-5-111	amended	Ch. 583	SB 490
41-5-121	amended	Ch. 266	SB 133
41-5-215	amended	Ch. 114	SB 10
41-5-216	amended	Ch. 114	SB 10
41-5-1513	amended	Ch. 157	HB 156
41-5-1701	amended	Ch. 152	SB 19
41-5-1702	repealed	Ch. 152	SB 19
41-5-1703	amended	Ch. 152	SB 19
41-5-1706	amended	Ch. 152	SB 19
41-5-1707	amended	Ch. 152	SB 19
41-5-1801	amended	Ch. 61	SB 164
41-6-101	amended	Ch. 194	SB 139
42-1-103	amended	Ch. 504	SB 95
42-3-212	amended	Ch. 504	SB 95
42-6-102	amended	Ch. 504	SB 95
42-6-109	amended	Ch. 504	SB 95
42-10-101	amended	Ch. 114	SB 10
44-1-1001	amended	Ch. 215	HB 350
44-1-1101	amended	Ch. 465	HB 199
44-1-1102	amended	Ch. 465	HB 199
44-2-117	enacted	Ch. 302	HB 293
44-4-301	amended	Ch. 316	SB 329
44-4-302	amended	Ch. 316	SB 329
44-4-305	enacted	Ch. 316	SB 329
44-5-103	amended	Ch. 253	SB 141
44-5-302	amended	Ch. 229	SB 398
44-5-303	amended	Ch. 253	SB 141
44-5-306	enacted	Ch. 182	SB 128
44-5-307	enacted	Ch. 182	SB 128
44-10-204	enacted	Ch. 298	HB 124
45-5-103	amended	Ch. 22	HB 84
45-5-206	amended	Ch. 438	HB 484
45-5-220	amended	Ch. 344	HB 54
45-5-502	amended	Ch. 450	HB 733
45-5-503	amended	Ch. 114	SB 10
45-5-603	amended	Ch. 114	SB 10
45-5-621	amended	Ch. 286	HB 546
45-5-623	amended	Ch. 391	HB 499
45-5-624	amended	Ch. 611	SB 362
45-5-625	amended	Ch. 344	HB 54
45-6-203	amended	Ch. 5	HB 188
45-6-301	amended	Ch. 380	HB 145
45-8-211	amended	Ch. 358	HB 317
	amended	Ch. 366	HB 553
45-8-212	amended	Ch. 344	HB 54
45-8-213	amended	Ch. 344	HB 54
45-8-217	enacted	Ch. 366	HB 553
45-9-101	amended	Ch. 114	SB 10
45-9-102	amended	Ch. 114	SB 10
45-9-103	amended	Ch. 114	SB 10
45-9-110	amended	Ch. 114	SB 10
45-9-132	amended	Ch. 146	HB 402
45-10-107	amended	Ch. 114	SB 10
46-1-401	amended	Ch. 154	SB 68
46-3-112	amended	Ch. 344	HB 54
46-5-401	amended	Ch. 343	HB 40

46-5-402	repealed	Ch. 343	HB 40
46-6-107	enacted	Ch. 142	HB 246
46-6-311	amended	Ch. 304	HB 456
46-6-507	enacted	Ch. 386	HB 222
46-7-102	amended	Ch. 309	HB 579
46-8-103	amended	Ch. 19	HB 48
46-8-202	amended	Ch. 583	SB 490
46-9-108	amended	Ch. 27	HB 53
46-9-302	amended	Ch. 465	HB 199
46-9-401	amended	Ch. 465	HB 199
46-9-503	amended	Ch. 420	HB 521
46-9-510	amended	Ch. 420	HB 521
46-14-101	amended	Ch. 595	SB 57
46-14-102	amended	Ch. 452	SB 35
46-14-103	amended	Ch. 452	SB 35
46-14-206	amended	Ch. 452	SB 35
46-14-214	amended	Ch. 164	SB 56
46-14-221	amended	Ch. 452	SB 35
46-14-301	amended	Ch. 164	SB 56
46-14-311	amended	Ch. 452	SB 35
46-14-312	amended	Ch. 452	SB 35
46-16-105	amended	Ch. 96	HB 166
	amended	Ch. 346	HB 171
46-16-220	enacted	Ch. 456	SB 263
46-17-202	amended	Ch. 441	HB 540
46-17-203	amended	Ch. 354	HB 210
46-17-303	amended	Ch. 510	SB 275
46-17-311	amended	Ch. 13	HB 70
	amended	Ch. 354	HB 210
	amended	Ch. 389	HB 358
46-18-116	amended	Ch. 141	HB 240
46-18-201	amended	Ch. 258	HB 389
	amended	Ch. 272	HB 220
	amended	Ch. 437	HB 478
46-18-203	amended	Ch. 345	HB 170
	amended	Ch. 386	HB 222
46-18-237	amended	Ch. 272	HB 220
46-18-241	amended	Ch. 272	HB 220
46-18-242	amended	Ch. 272	HB 220
46-18-243	amended	Ch. 272	HB 220
46-18-244	amended	Ch. 272	HB 220
46-18-245	amended	Ch. 272	HB 220
46-18-302	amended	Ch. 154	SB 68
46-18-305	amended	Ch. 154	SB 68
46-18-310	amended	Ch. 154	SB 68
46-18-604	repealed	Ch. 102	SB 3
46-18-901	amended	Ch. 69	HB 149
46-18-902	amended	Ch. 69	HB 149
46-18-903	amended	Ch. 69	HB 149
46-18-904	amended	Ch. 69	HB 149
46-18-905	amended	Ch. 69	HB 149
46-19-101	amended	Ch. 141	HB 240
46-19-102	amended	Ch. 510	SB 275
46-21-110	enacted	Ch. 79	HB 77
46-21-111	enacted	Ch. 79	HB 77
46-23-103	amended	Ch. 559	HB 211
46-23-104	amended	Ch. 559	HB 211
46-23-107	repealed	Ch. 559	HB 211
46-23-109	amended	Ch. 559	HB 211
46-23-201	amended	Ch. 559	HB 211
46-23-202	amended	Ch. 559	HB 211
46-23-215	amended	Ch. 559	HB 211
46-23-216	amended	Ch. 559	HB 211

46-23-218	amended	Ch. 559	HB 211
46-23-502	amended	Ch. 146	HB 402
46-23-1004	amended	Ch. 114	SB 10
46-23-1025	amended	Ch. 559	HB 211
46-23-1031	amended	Ch. 386	HB 222
46-23-1033	repealed	Ch. 114	SB 10
46-24-211	amended	Ch. 114	SB 10
46-24-212	amended	Ch. 559	HB 211
49-2-101	amended	Ch. 243	HB 196
49-4-301	amended	Ch. 399	SB 65
49-4-302	amended	Ch. 399	SB 65
49-4-304	amended	Ch. 399	SB 65
50-1-101	amended	Ch. 391	HB 499
50-1-202	amended	Ch. 391	HB 499
50-1-204	amended	Ch. 391	HB 499
50-2-101	amended	Ch. 391	HB 499
50-2-111	amended	Ch. 114	SB 10
50-2-116	amended	Ch. 391	HB 499
50-2-118	amended	Ch. 391	HB 499
	amended	Ch. 474	HB 159
50-2-130	amended	Ch. 391	HB 499
50-3-102	amended	Ch. 387	HB 269
50-3-103	amended	Ch. 387	HB 269
	amended	Ch. 443	HB 640
50-3-109	amended	Ch. 380	HB 145
50-4-312	repealed	Ch. 114	SB 10
	amended	Ch. 206	SB 100
50-4-502	amended	Ch. 114	SB 10
	repealed	Ch. 206	SB 100
50-4-504	amended	Ch. 114	SB 10
	amended	Ch. 206	SB 100
50-4-505	amended	Ch. 114	SB 10
	amended	Ch. 206	SB 100
50-5-101	amended	Ch. 54	HB 51
	amended	Ch. 114	SB 10
	amended	Ch. 348	HB 524
	amended	Ch. 401	SB 105
	amended	Ch. 403	SB 113
50-5-103	amended	Ch. 401	SB 105
50-5-105	amended	Ch. 224	SB 109
50-5-106	amended	Ch. 396	HB 647
50-5-220	enacted	Ch. 348	HB 524
50-5-225	amended	Ch. 54	HB 51
50-5-226	amended	Ch. 54	HB 51
50-5-227	amended	Ch. 54	HB 51
50-5-238	enacted	Ch. 403	SB 113
50-5-301	amended	Ch. 114	SB 10
50-5-1202	amended	Ch. 54	HB 51
50-6-203	amended	Ch. 271	HB 285
50-8-101	amended	Ch. 54	HB 51
50-9-102	amended	Ch. 240	HB 585
50-9-103	amended	Ch. 240	HB 585
50-9-104	amended	Ch. 240	HB 585
50-9-105	amended	Ch. 240	HB 585
50-9-106	amended	Ch. 240	HB 585
50-9-107	amended	Ch. 240	HB 585
50-9-201	amended	Ch. 240	HB 585
50-9-202	amended	Ch. 240	HB 585
50-9-203	amended	Ch. 240	HB 585
50-9-204	amended	Ch. 240	HB 585
50-9-205	amended	Ch. 240	HB 585
50-9-206	amended	Ch. 240	HB 585
50-10-101	amended	Ch. 240	HB 585

50-10-102	amended	Ch. 240	HB 585
50-10-103	amended	Ch. 240	HB 585
50-10-104	amended	Ch. 240	HB 585
50-10-106	amended	Ch. 240	HB 585
50-15-107	amended	Ch. 434	HB 408
50-16-201	amended	Ch. 396	HB 647
50-16-502	amended	Ch. 396	HB 647
50-16-504	amended	Ch. 396	HB 647
50-16-505	enacted	Ch. 396	HB 647
50-16-527	amended	Ch. 464	SB 450
50-16-535	amended	Ch. 396	HB 647
	amended	Ch. 504	SB 95
50-16-536	amended	Ch. 504	SB 95
50-16-603	amended	Ch. 391	HB 499
	amended	Ch. 504	SB 95
50-16-605	amended	Ch. 504	SB 95
50-16-801	enacted	Ch. 396	HB 647
50-16-802	enacted	Ch. 396	HB 647
50-16-803	enacted	Ch. 396	HB 647
50-16-804	enacted	Ch. 396	HB 647
50-16-805	enacted	Ch. 396	HB 647
50-16-811	enacted	Ch. 396	HB 647
50-16-812	enacted	Ch. 396	HB 647
50-16-816	enacted	Ch. 396	HB 647
50-16-817	enacted	Ch. 396	HB 647
50-16-818	enacted	Ch. 396	HB 647
50-16-1009	amended	Ch. 396	HB 647
50-19-402	amended	Ch. 396	HB 647
	amended	Ch. 413	SB 449
50-19-403	amended	Ch. 413	SB 449
50-19-404	amended	Ch. 413	SB 449
50-19-405	amended	Ch. 396	HB 647
	amended	Ch. 413	SB 449
50-19-406	amended	Ch. 396	HB 647
	amended	Ch. 413	SB 449
50-31-103	amended	Ch. 373	HB 50
50-31-110	amended	Ch. 373	HB 50
50-31-205	repealed	Ch. 373	HB 50
50-31-206	repealed	Ch. 373	HB 50
50-31-207	repealed	Ch. 373	HB 50
50-31-208	amended	Ch. 373	HB 50
50-31-236	repealed	Ch. 373	HB 50
50-31-238	repealed	Ch. 373	HB 50
50-31-312	amended	Ch. 373	HB 50
50-31-501	amended	Ch. 373	HB 50
50-37-106	amended	Ch. 108	SB 33
50-37-108	amended	Ch. 387	HB 269
50-40-102	amended	Ch. 361	HB 437
50-50-102	amended	Ch. 474	HB 159
	amended	Ch. 528	SB 464
50-50-103	amended	Ch. 528	SB 464
50-50-106	amended	Ch. 474	HB 159
50-50-107	amended	Ch. 474	HB 159
50-50-108	amended	Ch. 474	HB 159
50-50-110	amended	Ch. 474	HB 159
50-50-202	amended	Ch. 528	SB 464
50-50-205	amended	Ch. 528	SB 464
50-50-301	amended	Ch. 528	SB 464
50-53-102	amended	Ch. 93	HB 49
50-53-107	amended	Ch. 93	HB 49
50-53-201	amended	Ch. 93	HB 49
50-53-209	amended	Ch. 93	HB 49
50-57-101	enacted	Ch. 474	HB 159

50-57-102	enacted	Ch. 474	HB 159
50-57-103	enacted	Ch. 474	HB 159
50-57-104	enacted	Ch. 474	HB 159
50-57-105	enacted	Ch. 474	HB 159
50-57-106	enacted	Ch. 474	HB 159
50-57-107	enacted	Ch. 474	HB 159
50-57-108	enacted	Ch. 474	HB 159
50-57-109	enacted	Ch. 474	HB 159
50-57-110	enacted	Ch. 474	HB 159
50-57-201	enacted	Ch. 474	HB 159
50-57-203	enacted	Ch. 474	HB 159
50-57-205	enacted	Ch. 474	HB 159
50-57-206	enacted	Ch. 474	HB 159
50-57-207	enacted	Ch. 474	HB 159
50-57-208	enacted	Ch. 474	HB 159
50-57-209	enacted	Ch. 474	HB 159
50-57-210	enacted	Ch. 474	HB 159
50-57-211	enacted	Ch. 474	HB 159
50-57-212	enacted	Ch. 474	HB 159
50-57-213	enacted	Ch. 474	HB 159
50-57-301	enacted	Ch. 474	HB 159
50-57-302	enacted	Ch. 474	HB 159
50-57-305	enacted	Ch. 474	HB 159
50-60-101	amended	Ch. 443	HB 640
50-60-102	amended	Ch. 443	HB 640
50-60-106	amended	Ch. 443	HB 640
50-60-107	amended	Ch. 443	HB 640
50-60-109	amended	Ch. 443	HB 640
50-60-110	amended	Ch. 443	HB 640
50-60-115	amended	Ch. 443	HB 640
50-60-118	amended	Ch. 443	HB 640
50-60-205	amended	Ch. 443	HB 640
50-60-211	amended	Ch. 443	HB 640
50-60-212	amended	Ch. 443	HB 640
50-60-213	amended	Ch. 443	HB 640
50-60-301	amended	Ch. 443	HB 640
50-60-302	amended	Ch. 443	HB 640
50-60-303	amended	Ch. 443	HB 640
50-60-304	enacted	Ch. 443	HB 640
50-60-310	repealed	Ch. 443	HB 640
50-60-311	repealed	Ch. 443	HB 640
50-60-312	repealed	Ch. 443	HB 640
50-60-313	amended	Ch. 114	SB 10
	amended	Ch. 190	HB 182
	repealed	Ch. 443	HB 640
50-60-314	repealed	Ch. 443	HB 640
50-60-404	amended	Ch. 443	HB 640
50-60-506	amended	Ch. 443	HB 640
50-60-510	amended	Ch. 443	HB 640
50-60-604	amended	Ch. 443	HB 640
50-60-605	amended	Ch. 443	HB 640
50-60-607	amended	Ch. 443	HB 640
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50-61-114	amended	Ch. 387	HB 269
50-63-203	amended	Ch. 387	HB 269
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50-74-304	amended	Ch. 392	HB 525
50-74-310	repealed	Ch. 196	HB 174
50-74-312	amended	Ch. 196	HB 174
50-74-320	enacted	Ch. 196	HB 174

50-76-104	amended	Ch. 196	HB 174
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52-1-104	amended	Ch. 54	HB 51
52-2-115	amended	Ch. 504	SB 95
52-2-301	amended	Ch. 118	SB 94
52-2-302	amended	Ch. 118	SB 94
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52-2-304	amended	Ch. 118	SB 94
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52-2-603	amended	Ch. 504	SB 95
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52-3-803	amended	Ch. 350	HB 17
	amended	Ch. 493	SB 444
52-3-811	amended	Ch. 54	HB 51
52-3-825	amended	Ch. 350	HB 17
52-5-129	amended	Ch. 382	HB 161
53-1-107	amended	Ch. 353	HB 134
	amended	Ch. 363	HB 453
53-1-109	enacted	Ch. 353	HB 134
53-1-210	enacted	Ch. 575	HB 727
53-1-214	enacted	Ch. 255	SB 183
53-1-401	amended	Ch. 207	SB 104
53-1-402	amended	Ch. 575	HB 727
53-1-404	amended	Ch. 207	SB 104
53-1-413	amended	Ch. 57	HB 121
53-1-602	amended	Ch. 575	HB 727
	amended	Ch. 602	SB 347
53-1-610	enacted	Ch. 576	HB 744
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53-1-612	enacted	Ch. 576	HB 744
53-2-103	amended	Ch. 114	SB 10
53-2-303	repealed	Ch. 114	SB 10
53-2-607	amended	Ch. 510	SB 275
53-2-1203	amended	Ch. 190	HB 182
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53-4-221	amended	Ch. 114	SB 10
53-4-222	amended	Ch. 114	SB 10
53-4-232	amended	Ch. 114	SB 10
53-4-601	amended	Ch. 114	SB 10
53-4-609	amended	Ch. 114	SB 10
53-6-101	amended	Ch. 54	HB 51
	amended	Ch. 576	HB 744
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53-6-149	enacted	Ch. 390	HB 481
53-6-165	amended	Ch. 403	SB 113
53-6-171	amended	Ch. 403	SB 113
53-6-702	amended	Ch. 401	SB 105
	amended	Ch. 403	SB 113
53-6-1001	enacted	Ch. 551	SB 473
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53-6-1003	enacted	Ch. 551	SB 473
53-6-1010	enacted	Ch. 551	SB 473
53-6-1011	enacted	Ch. 551	SB 473
53-6-1012	enacted	Ch. 551	SB 473
53-6-1013	enacted	Ch. 551	SB 473
53-6-1101(1)	enacted	Ch. 531	HB 722
53-6-1101	enacted	Ch. 608	SB 485
53-18-101	amended	Ch. 114	SB 10
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53-19-307	amended	Ch. 417	HB 266
53-19-310	amended	Ch. 417	HB 266
53-19-311	amended	Ch. 417	HB 266
53-20-102	amended	Ch. 575	HB 727
53-20-171	enacted	Ch. 590	HB 452
53-20-206	amended	Ch. 478	HB 734
53-20-501	repealed	Ch. 575	HB 727
53-20-502	repealed	Ch. 575	HB 727
53-21-102	amended	Ch. 513	SB 348
53-21-104	amended	Ch. 602	SB 347
53-21-116	amended	Ch. 583	SB 490
53-21-120	amended	Ch. 513	SB 348
53-21-121	amended	Ch. 165	SB 64
53-21-127	amended	Ch. 163	SB 55
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53-21-129	amended	Ch. 513	SB 348
53-21-132	amended	Ch. 583	SB 490
53-21-138	amended	Ch. 513	SB 348
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53-21-186	amended	Ch. 114	SB 10
53-21-193	enacted	Ch. 513	SB 348
53-21-194	enacted	Ch. 513	SB 348
53-21-201	repealed 7/1/2005	Ch. 602	SB 347
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53-21-211	repealed	Ch. 602	SB 347
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53-21-213	repealed	Ch. 602	SB 347
53-21-214	repealed	Ch. 602	SB 347
53-21-414	amended	Ch. 554	HB 56
53-21-1001	enacted	Ch. 602	SB 347
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53-21-1006	enacted	Ch. 602	SB 347
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53-21-1010	enacted	Ch. 602	SB 347
53-21-1011	enacted	Ch. 602	SB 347
53-21-1012	enacted	Ch. 602	SB 347
53-24-108	amended	Ch. 140	HB 180
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53-24-206	amended	Ch. 140	HB 180
53-24-306	amended	Ch. 396	HB 647
53-30-132	amended	Ch. 272	HB 220
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53-30-603	amended	Ch. 362	HB 451
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60-5-110	amended	Ch. 168	HB 30
61-1-102	amended	Ch. 477	HB 538
61-1-129	amended	Ch. 592	HB 559
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61-1-604	enacted	Ch. 477	HB 538
61-2-107	amended	Ch. 442	HB 618
61-2-302	amended	Ch. 556	HB 197
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61-3-101	amended	Ch. 477	HB 538
61-3-103	amended	Ch. 114	SB 10
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61-3-105	repealed 1/1/2004	Ch. 477	HB 538
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61-3-109	amended	Ch. 477	HB 538
61-3-110	enacted	Ch. 279	HB 474
61-3-201	amended	Ch. 477	HB 538
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61-3-527	amended	Ch. 592	HB 559
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61-3-535	amended	Ch. 592	HB 559
61-3-550	amended	Ch. 562	HB 261
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61-3-560	amended	Ch. 399	SB 65
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61-3-562	amended	Ch. 143	HB 280
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61-5-110	amended	Ch. 428	HB 185
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61-5-112	amended	Ch. 428	HB 185
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61-8-301	amended	Ch. 46	HB 112
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61-8-401	amended	Ch. 329	SB 13
61-8-402	amended	Ch. 213	HB 284
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61-8-404	amended	Ch. 388	HB 289
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61-8-409	amended	Ch. 556	HB 197
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61-8-442	amended	Ch. 300	HB 195
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61-8-501	amended	Ch. 374	HB 67
61-8-502	amended	Ch. 374	HB 67
61-8-504	amended	Ch. 374	HB 67
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61-8-507	amended	Ch. 374	HB 67
61-8-508	amended	Ch. 374	HB 67
61-8-515	enacted	Ch. 374	HB 67
61-8-516	enacted	Ch. 374	HB 67
61-8-517	enacted	Ch. 374	HB 67
61-8-714	amended	Ch. 300	HB 195
61-8-715	amended	Ch. 46	HB 112
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61-8-733	amended	Ch. 300	HB 195
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61-8-906	amended	Ch. 88	HB 636
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61-8-907	amended	Ch. 88	HB 636
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61-8-910	amended	Ch. 88	HB 636
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61-9-321	enacted	Ch. 357	HB 237
61-9-402	amended	Ch. 352	HB 105
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61-9-431	amended	Ch. 352	HB 105
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61-10-124	amended	Ch. 285	HB 445
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61-11-102	amended	Ch. 428	HB 185
61-11-105	amended	Ch. 533	HB 767
61-11-203	amended	Ch. 329	SB 13
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61-11-204	amended	Ch. 556	HB 197
61-11-503	amended	Ch. 533	HB 767
61-11-509	amended	Ch. 533	HB 767
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69-1-104	amended	Ch. 294	SB 220
69-1-114	amended	Ch. 509	SB 247
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69-3-601	repealedcontingently	Ch. 284	HB 417
69-3-602	repealedcontingently	Ch. 284	HB 417
69-3-603	repealedcontingently	Ch. 284	HB 417
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69-3-815	enacted	Ch. 423	HB 641
69-3-829	enacted	Ch. 310	HB 580
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69-3-832	amended	Ch. 310	HB 580
69-3-840	amended	Ch. 187	SB 173
69-3-856	repealed	Ch. 76	HB 392
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69-3-859	repealed	Ch. 76	HB 392
69-3-861	repealed	Ch. 76	HB 392
69-3-862	repealed	Ch. 76	HB 392
69-3-870	enacted	Ch. 43	HB 168
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69-3-1301	amended	Ch. 249	HB 479
69-3-1302	amended	Ch. 150	HB 562
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69-3-1303	amended	Ch. 150	HB 562
	amended	Ch. 249	HB 479
69-3-1305	amended	Ch. 249	HB 479
69-3-1308	enacted	Ch. 249	HB 479
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69-3-1310	enacted	Ch. 249	HB 479
69-3-1311	enacted	Ch. 249	HB 479
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69-4-602	amended	Ch. 359	HB 337
69-4-603	amended	Ch. 359	HB 337
69-8-102	amended	Ch. 565	HB 509
69-8-103	amended	Ch. 565	HB 509
69-8-104	amended	Ch. 114	SB 10
	amended	Ch. 565	HB 509
69-8-201	amended	Ch. 565	HB 509
69-8-203	amended	Ch. 565	HB 509
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69-8-208	amended	Ch. 565	HB 509
69-8-210	amended	Ch. 509	SB 247
	amended	Ch. 600	SB 330
69-8-211	amended	Ch. 565	HB 509
69-8-215	enacted	Ch. 472	SB 458
69-8-301	amended	Ch. 565	HB 509
69-8-402	amended	Ch. 290	SB 77
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69-8-403	amended	Ch. 565	HB 509
69-8-408	amended	Ch. 565	HB 509
69-8-409	amended	Ch. 565	HB 509
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69-8-501	amended	Ch. 114	SB 10
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69-8-502	repealed	Ch. 565	HB 509
69-8-503	amended	Ch. 565	HB 509
69-12-102	amended	Ch. 88	HB 636
69-14-562	amended	Ch. 303	HB 419
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69-14-610	amended	Ch. 527	SB 399
69-14-620	enacted	Ch. 527	SB 399
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70-16-702	enacted	Ch. 584	HB 536
70-16-703	enacted	Ch. 584	HB 536
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70-24-436	amended	Ch. 114	SB 10
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72-34-404	repealed	Ch. 506	SB 231
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72-34-406	repealed	Ch. 506	SB 231
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75-1-201	amended	Ch. 125	SB 78
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75-1-324	amended	Ch. 33	HB 175
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75-2-104	amended	Ch. 361	HB 437
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75-2-211	amended	Ch. 99	HB 427
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75-2-218	amended	Ch. 231	HB 700
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75-2-503	amended	Ch. 25	HB 43
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75-3-607	amended	Ch. 28	HB 102
75-5-101	amended	Ch. 361	HB 437
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75-5-516	amended	Ch. 468	HB 545
75-5-605	amended	Ch. 460	SB 383
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75-7-111	amended	Ch. 581	SB 381
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75-7-123	amended	Ch. 470	HB 677
75-7-124	repealed	Ch. 470	HB 677
75-7-125	enacted	Ch. 288	HB 678
75-7-303	amended	Ch. 537	SB 446
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75-10-402	amended	Ch. 361	HB 437
75-10-420	amended	Ch. 361	HB 437
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75-10-534	amended	Ch. 200	SB 107
75-10-621	amended	Ch. 199	SB 103
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75-10-622	amended	Ch. 496	HB 10
75-10-623	amended	Ch. 496	HB 10
75-10-631	enacted	Ch. 496	HB 10
75-10-704	amended	Ch. 199	SB 103
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75-10-743	amended	Ch. 199	SB 103
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75-10-752	repealed	Ch. 368	HB 584
75-10-902	amended	Ch. 361	HB 437
75-11-202	amended	Ch. 361	HB 437
75-11-301	amended	Ch. 361	HB 437
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75-11-502	amended	Ch. 361	HB 437
75-11-503	amended	Ch. 137	HB 144
75-11-505	amended	Ch. 137	HB 144
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75-20-201	amended	Ch. 217	HB 443
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76-6-109	amended	Ch. 114	SB 10
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77-1-109	amended	Ch. 291	SB 135
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77-1-121	amended	Ch. 147	HB 436
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77-1-801	amended	Ch. 596	SB 130
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77-2-301	amended	Ch. 355	HB 223
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77-2-312	repealed	Ch. 355	HB 223
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77-2-328	amended	Ch. 355	HB 223
77-2-337	amended	Ch. 355	HB 223
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77-2-362	enacted	Ch. 355	HB 223
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81-6-105	amended	Ch. 114	SB 10
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82-4-102	amended	Ch. 361	HB 437
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85-2-124	amended	Ch. 217	HB 443
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85-7-2125	enacted	Ch. 347	HB 388
85-8-302	amended	Ch. 349	HB 532
85-8-624	amended	Ch. 367	HB 563
85-9-603	amended	Ch. 34	HB 207
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04/17/2003	Ch.	391	HB	499
04/17/2003	Ch.	397	HB	663
04/17/2003	Ch.	402	SB	110
04/18/2003	Ch.	381	HB	157
04/18/2003	Ch.	383	HB	179
04/18/2003	Ch.	393	HB	556
04/18/2003	Ch.	395	HB	610
04/18/2003	Ch.	396	HB	647
04/18/2003	Ch.	398	HB	703
		§§ 1 and 3		
04/18/2003	Ch.	418	HB	270
04/18/2003	Ch.	420	HB	521
04/18/2003	Ch.	422	HB	631
04/21/2003	Ch.	430	HB	292
04/21/2003	Ch.	431	HB	299
04/21/2003	Ch.	432	HB	338
04/21/2003	Ch.	435	HB	410
04/21/2003	Ch.	440	HB	537
04/21/2003	Ch.	443	HB	640
		§§ 25 and 28		
04/21/2003	Ch.	444	HB	648
04/21/2003	Ch.	447	HB	676
04/21/2003	Ch.	451	HB	761
04/21/2003	Ch.	454	SB	209
04/21/2003	Ch.	459	SB	366
04/21/2003	Ch.	461	SB	392
04/21/2003	Ch.	463	SB	447
04/21/2003	Ch.	464	SB	450
04/22/2003	Ch.	425	HB	94
04/22/2003	Ch.	434	HB	408
04/22/2003	Ch.	445	HB	653
04/22/2003	Ch.	453	SB	111
04/22/2003	Ch.	458	SB	364
04/22/2003	Ch.	460	SB	383
04/23/2003	Ch.	466	HB	249
04/23/2003	Ch.	467	HB	315
04/23/2003	Ch.	468	HB	545
04/23/2003	Ch.	470	HB	677
04/23/2003	Ch.	471	HB	758
04/23/2003	Ch.	472	SB	458
04/24/2003	Ch.	476	HB	517
04/24/2003	Ch.	480	SB	89
04/24/2003	Ch.	482	SB	143
04/24/2003	Ch.	483	SB	194
04/24/2003	Ch.	487	SB	288
04/24/2003	Ch.	488	SB	321
04/24/2003	Ch.	490	SB	400
04/24/2003	Ch.	492	SB	441
04/24/2003	Ch.	493	SB	444
04/24/2003	Ch.	509	SB	247
04/24/2003	Ch.	512	SB	344
04/25/2003	Ch.	494	HB	3
04/25/2003	Ch.	495	HB	4
04/25/2003	Ch.	505	SB	155
04/25/2003	Ch.	507	SB	244
04/25/2003	Ch.	511	SB	294
04/25/2003	Ch.	514	SB	386
04/25/2003	Ch.	516	SB	402
04/25/2003	Ch.	517	SB	434
04/25/2003	Ch.	519	SB	480

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04/25/2003	Ch.	523	SB	46
04/26/2003	Ch.	522	HB	748
04/26/2003	Ch.	524	SB	138
04/26/2003	Ch.	525	SB	320
04/26/2003	Ch.	527	SB	399
04/26/2003	Ch.	529	SB	478
04/29/2003	Ch.	530	HB	283
04/29/2003	Ch.	531	HB	722
04/29/2003	Ch.	535	SB	414
04/30/2003	Ch.	542	SB	101
04/30/2003	Ch.	543	SB	325
04/30/2003	Ch.	544	SB	407
		§§ 1-39, 47, and 49-62		
04/30/2003	Ch.	545	SB	408
05/01/2003	Ch.	50	HB	248
05/01/2003	Ch.	548	HB	736
05/01/2003	Ch.	550	SB	424
		§§ 14-19		
05/05/2003	Ch.	553	HB	42
05/05/2003	Ch.	556	HB	197
05/05/2003	Ch.	559	HB	211
		§§ 15 and 17		
05/05/2003	Ch.	561	HB	247
05/05/2003	Ch.	563	HB	298
05/05/2003	Ch.	564	HB	403
05/05/2003	Ch.	567	HB	564
05/05/2003	Ch.	570	HB	642
05/05/2003	Ch.	572	HB	689
05/05/2003	Ch.	573	HB	693
05/05/2003	Ch.	578	SB	270
05/05/2003	Ch.	579	SB	370
05/05/2003	Ch.	580	SB	375
05/05/2003	Ch.	584	HB	536
05/09/2003	Ch.	586	HB	5
05/09/2003	Ch.	587	HB	11
		§§ 2, 3, 5, 6, and 8-11		
05/09/2003	Ch.	588	HB	363
05/09/2003	Ch.	590	HB	452
05/09/2003	Ch.	593	HB	775
05/09/2003	Ch.	594	SB	47
05/09/2003	Ch.	597	SB	271
		§§ 1, 3, 4, 6, 7, 11, and 13-18		
05/09/2003	Ch.	598	SB	304
05/09/2003	Ch.	599	SB	326
05/09/2003	Ch.	600	SB	330
05/09/2003	Ch.	603	SB	360
05/09/2003	Ch.	604	SB	395
05/09/2003	Ch.	605	SB	415
05/09/2003	Ch.	606	SB	461
		§§ 1, 3-7, and 9-14		
05/09/2003	Ch.	609	SB	487
		§§ 2, 3, and 5		
05/23/2003	Ch.	540	HB	259
06/28/2003	Ch.	498	HB	18
07/01/2003	Ch.	14	HB	83
07/01/2003	Ch.	18	HB	46
07/01/2003	Ch.	26	HB	44
07/01/2003	Ch.	28	HB	102
07/01/2003	Ch.	29	HB	162
07/01/2003	Ch.	32	HB	136
07/01/2003	Ch.	35	HB	232
07/01/2003	Ch.	41	HB	88
07/01/2003	Ch.	48	HB	217

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07/01/2003	Ch.	57	HB	121
07/01/2003	Ch.	67	HB	65
07/01/2003	Ch.	69	HB	149
07/01/2003	Ch.	80	HB	101
07/01/2003	Ch.	86	HB	366
07/01/2003	Ch.	92	HB	471
07/01/2003	Ch.	94	HB	72
07/01/2003	Ch.	100	HB	450
07/01/2003	Ch.	103	SB	14
07/01/2003	Ch.	109	SB	38
07/01/2003	Ch.	113	SB	5
07/01/2003	Ch.	118	SB	94
07/01/2003	Ch.	120	HB	178
07/01/2003	Ch.	133	HB	215
07/01/2003	Ch.	135	HB	311
07/01/2003	Ch.	136	HB	126
07/01/2003	Ch.	140	HB	180
07/01/2003	Ch.	158	HB	176
07/01/2003	Ch.	160	HB	429
§ 2				
07/01/2003	Ch.	170	HB	656
07/01/2003	Ch.	175	HB	621
07/01/2003	Ch.	178	SB	26
07/01/2003	Ch.	183	SB	131
07/01/2003	Ch.	185	SB	160
07/01/2003	Ch.	193	SB	108
07/01/2003	Ch.	195	SB	151
07/01/2003	Ch.	199	SB	103
07/01/2003	Ch.	200	SB	107
07/01/2003	Ch.	214	HB	333
07/01/2003	Ch.	221	SB	28
07/01/2003	Ch.	224	SB	109
07/01/2003	Ch.	250	HB	549
07/01/2003	Ch.	255	SB	183
07/01/2003	Ch.	257	HB	323
07/01/2003	Ch.	262	HB	731
07/01/2003	Ch.	267	SB	162
07/01/2003	Ch.	277	SB	150
07/01/2003	Ch.	280	SB	118
§§ 7, 8, 10, and 13-17				
07/01/2003	Ch.	283	HB	160
§ 1				
07/01/2003	Ch.	289	SB	66
07/01/2003	Ch.	296	HB	6
§ 1				
07/01/2003	Ch.	297	HB	8
07/01/2003	Ch.	298	HB	124
07/01/2003	Ch.	302	HB	293
07/01/2003	Ch.	305	HB	482
07/01/2003	Ch.	316	SB	329
07/01/2003	Ch.	321	HB	123
07/01/2003	Ch.	323	HB	203
07/01/2003	Ch.	325	HB	384
07/01/2003	Ch.	328	HB	602
07/01/2003	Ch.	332	SB	86
07/01/2003	Ch.	340	SB	380
07/01/2003	Ch.	346	HB	171
07/01/2003	Ch.	348	HB	524
07/01/2003	Ch.	351	HB	76
§ 2				
07/01/2003	Ch.	375	HB	98
07/01/2003	Ch.	382	HB	161
07/01/2003	Ch.	389	HB	358

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07/01/2003	Ch.	390	HB	481
07/01/2003	Ch.	394	HB	569
07/01/2003	Ch.	403	SB	113
07/01/2003	Ch.	404	SB	137
07/01/2003	Ch.	417	HB	266
07/01/2003	Ch.	423	HB	641
07/01/2003	Ch.	424	HB	9
07/01/2003	Ch.	426	HB	152
07/01/2003	Ch.	427	HB	169
07/01/2003	Ch.	429	HB	213
07/01/2003	Ch.	455	SB	243
07/01/2003	Ch.	456	SB	263
07/01/2003	Ch.	473	HB	7
07/01/2003	Ch.	478	HB	734
07/01/2003	Ch.	485	SB	232
07/01/2003	Ch.	486	SB	282
07/01/2003	Ch.	496	HB	10
07/01/2003	Ch.	497	HB	12
07/01/2003	Ch.	499	HB	100
07/01/2003	Ch.	502	HB	735
07/01/2003	Ch.	503	HB	741
07/01/2003	Ch.	513	SB	348
07/01/2003	Ch.	515	SB	387
07/01/2003	Ch.	518	SB	454
07/01/2003	Ch.	532	HB	743
07/01/2003	Ch.	533	HB	767
§§ 2-8				
07/01/2003	Ch.	537	SB	446
07/01/2003	Ch.	539	SB	491
07/01/2003	Ch.	541	HB	705
07/01/2003	Ch.	547	SB	492
07/01/2003	Ch.	550	SB	424
§§ 2, 4-6, and 8-13				
07/01/2003	Ch.	551	SB	473
07/01/2003	Ch.	552	HB	13
07/01/2003	Ch.	558	HB	206
07/01/2003	Ch.	559	HB	211
§§ 1-14 and 16				
07/01/2003	Ch.	562	HB	261
07/01/2003	Ch.	565	HB	509
07/01/2003	Ch.	575	HB	727
07/01/2003	Ch.	576	HB	744
07/01/2003	Ch.	583	SB	490
07/01/2003	Ch.	585	HB	489
07/01/2003	Ch.	587	HB	11
§§ 1, 4, and 7				
07/01/2003	Ch.	589	HB	424
07/01/2003	Ch.	591	HB	558
07/01/2003	Ch.	597	SB	271
§§ 2, 5, and 12				
07/01/2003	Ch.	606	SB	461
§ 8				
07/01/2003	Ch.	608	SB	485
07/01/2003	Ch.	610	SB	493
07/01/2003	Ch.	612	HB	2
10/01/2003	Ch.	2	HB	21
10/01/2003	Ch.	7	HB	25
10/01/2003	Ch.	9	HB	34
10/01/2003	Ch.	10	HB	58
10/01/2003	Ch.	12	HB	69
10/01/2003	Ch.	13	HB	70
10/01/2003	Ch.	17	HB	39
10/01/2003	Ch.	19	HB	48

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10/01/2003	Ch.	20	HB	68
10/01/2003	Ch.	22	HB	84
10/01/2003	Ch.	24	HB	35
10/01/2003	Ch.	27	HB	53
10/01/2003	Ch.	30	HB	167
10/01/2003	Ch.	37	HB	115
10/01/2003	Ch.	40	HB	47
10/01/2003	Ch.	42	HB	93
10/01/2003	Ch.	46	HB	112
10/01/2003	Ch.	47	HB	151
10/01/2003	Ch.	53	HB	22
10/01/2003	Ch.	54	HB	51
10/01/2003	Ch.	56	HB	114
10/01/2003	Ch.	62	SB	195
10/01/2003	Ch.	64	HB	36
10/01/2003	Ch.	65	HB	45
10/01/2003	Ch.	70	HB	353
10/01/2003	Ch.	73	SB	42
10/01/2003	Ch.	74	SB	43
10/01/2003	Ch.	75	HB	194
10/01/2003	Ch.	77	HB	601
10/01/2003	Ch.	78	HB	29
10/01/2003	Ch.	79	HB	77
10/01/2003	Ch.	83	HB	150
10/01/2003	Ch.	88	HB	636
10/01/2003	Ch.	89	SB	51
10/01/2003	Ch.	90	SB	69
10/01/2003	Ch.	93	HB	49
10/01/2003	Ch.	98	HB	378
10/01/2003	Ch.	101	HB	542
10/01/2003	Ch.	105	SB	21
10/01/2003	Ch.	112	HB	264
10/01/2003	Ch.	114	SB	10
10/01/2003	Ch.	115	SB	31
10/01/2003	Ch.	117	SB	88
10/01/2003	Ch.	123	HB	490
10/01/2003	Ch.	127	HB	55
10/01/2003	Ch.	128	HB	89
10/01/2003	Ch.	129	HB	97
10/01/2003	Ch.	132	HB	198
10/01/2003	Ch.	141	HB	240
10/01/2003	Ch.	142	HB	246
10/01/2003	Ch.	143	HB	280
10/01/2003	Ch.	145	HB	339
10/01/2003	Ch.	146	HB	402
10/01/2003	Ch.	149	HB	493
10/01/2003	Ch.	154	SB	68
10/01/2003	Ch.	156	SB	144
10/01/2003	Ch.	157	HB	156
10/01/2003	Ch.	163	SB	55
10/01/2003	Ch.	164	SB	56
10/01/2003	Ch.	167	SB	102
10/01/2003	Ch.	168	HB	30
10/01/2003	Ch.	172	SB	190
10/01/2003	Ch.	173	SB	202
10/01/2003	Ch.	176	HB	635
10/01/2003	Ch.	181	SB	117
10/01/2003	Ch.	189	SB	257
10/01/2003	Ch.	191	HB	252
10/01/2003	Ch.	196	HB	174
10/01/2003	Ch.	198	HB	416
10/01/2003	Ch.	202	SB	125
10/01/2003	Ch.	203	SB	229

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10/01/2003	Ch.	213	HB	284
10/01/2003	Ch.	215	HB	350
10/01/2003	Ch.	219	HB	583
10/01/2003	Ch.	220	HB	639
10/01/2003	Ch.	223	SB	84
10/01/2003	Ch.	225	SB	121
10/01/2003	Ch.	227	SB	221
10/01/2003	Ch.	230	HB	557
10/01/2003	Ch.	237	HB	319
10/01/2003	Ch.	238	HB	340
10/01/2003	Ch.	240	HB	585
10/01/2003	Ch.	241	HB	627
10/01/2003	Ch.	243	HB	196
10/01/2003	Ch.	245	HB	368
10/01/2003	Ch.	248	HB	458
10/01/2003	Ch.	251	HB	711
10/01/2003	Ch.	253	SB	141
10/01/2003	Ch.	254	SB	149
10/01/2003	Ch.	256	SB	413
10/01/2003	Ch.	265	SB	85
10/01/2003	Ch.	266	SB	133
10/01/2003	Ch.	269	SB	197
10/01/2003	Ch.	272	HB	220
10/01/2003	Ch.	273	HB	287
10/01/2003	Ch.	274	HB	438
10/01/2003	Ch.	279	HB	474
10/01/2003	Ch.	280	SB	118
§ 1				
10/01/2003	Ch.	282	SB	292
10/01/2003	Ch.	292	SB	145
10/01/2003	Ch.	294	SB	220
10/01/2003	Ch.	304	HB	456
10/01/2003	Ch.	306	HB	494
10/01/2003	Ch.	307	HB	501
10/01/2003	Ch.	308	HB	555
10/01/2003	Ch.	309	HB	579
10/01/2003	Ch.	311	HB	591
10/01/2003	Ch.	312	HB	637
10/01/2003	Ch.	314	SB	283
10/01/2003	Ch.	315	SB	302
10/01/2003	Ch.	319	HB	20
10/01/2003	Ch.	331	SB	80
10/01/2003	Ch.	334	SB	168
10/01/2003	Ch.	335	SB	241
10/01/2003	Ch.	338	SB	316
10/01/2003	Ch.	339	SB	341
10/01/2003	Ch.	341	SB	432
10/01/2003	Ch.	343	HB	40
10/01/2003	Ch.	344	HB	54
10/01/2003	Ch.	352	HB	105
10/01/2003	Ch.	353	HB	134
10/01/2003	Ch.	357	HB	237
10/01/2003	Ch.	360	HB	385
10/01/2003	Ch.	363	HB	453
10/01/2003	Ch.	364	HB	480
10/01/2003	Ch.	366	HB	553
10/01/2003	Ch.	367	HB	563
10/01/2003	Ch.	372	SB	334
10/01/2003	Ch.	373	HB	50
10/01/2003	Ch.	374	HB	67
10/01/2003	Ch.	376	HB	104
10/01/2003	Ch.	378	HB	130
10/01/2003	Ch.	379	HB	141

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10/01/2003	Ch.	380	HB	145
10/01/2003	Ch.	387	HB	269
10/01/2003	Ch.	388	HB	289
10/01/2003	Ch.	392	HB	525
10/01/2003	Ch.	398	HB	703
§ 2				
10/01/2003	Ch.	400	SB	98
10/01/2003	Ch.	401	SB	105
10/01/2003	Ch.	405	SB	146
10/01/2003	Ch.	406	SB	191
10/01/2003	Ch.	407	SB	217
10/01/2003	Ch.	408	SB	226
10/01/2003	Ch.	409	SB	254
10/01/2003	Ch.	410	SB	306
10/01/2003	Ch.	411	SB	307
10/01/2003	Ch.	412	SB	389
10/01/2003	Ch.	413	SB	449
10/01/2003	Ch.	414	HB	155
10/01/2003	Ch.	415	HB	253
10/01/2003	Ch.	416	HB	256
10/01/2003	Ch.	419	HB	468
10/01/2003	Ch.	421	HB	573
10/01/2003	Ch.	428	HB	185
10/01/2003	Ch.	433	HB	396
10/01/2003	Ch.	436	HB	441
10/01/2003	Ch.	437	HB	478
10/01/2003	Ch.	438	HB	484
10/01/2003	Ch.	439	HB	512
10/01/2003	Ch.	442	HB	618
10/01/2003	Ch.	443	HB	640
§§ 1-24, 26 and 27				
10/01/2003	Ch.	446	HB	667
10/01/2003	Ch.	448	HB	681
10/01/2003	Ch.	450	HB	733
10/01/2003	Ch.	452	SB	35
10/01/2003	Ch.	457	SB	363
10/01/2003	Ch.	462	SB	423
10/01/2003	Ch.	465	HB	199
10/01/2003	Ch.	469	HB	669
10/01/2003	Ch.	484	SB	230
10/01/2003	Ch.	489	SB	337
10/01/2003	Ch.	500	HB	577
10/01/2003	Ch.	501	HB	588
10/01/2003	Ch.	504	SB	95
10/01/2003	Ch.	506	SB	231
10/01/2003	Ch.	508	SB	246
10/01/2003	Ch.	510	SB	275
10/01/2003	Ch.	521	HB	721
10/01/2003	Ch.	526	SB	384
10/01/2003	Ch.	538	SB	489
10/01/2003	Ch.	546	SB	429
10/01/2003	Ch.	549	SB	406
10/01/2003	Ch.	554	HB	56
10/01/2003	Ch.	555	HB	90
10/01/2003	Ch.	557	HB	201
10/01/2003	Ch.	566	HB	539
10/01/2003	Ch.	568	HB	608
10/01/2003	Ch.	574	HB	720
10/01/2003	Ch.	577	SB	126
10/01/2003	Ch.	581	SB	381
10/01/2003	Ch.	582	SB	484
10/01/2003	Ch.	595	SB	57

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10/01/2003	Ch.	602	SB	347
		§§ 1, 3-5, 7-9, 11-15, 16(1), and 17-20		
10/01/2003	Ch.	607	SB	483
10/01/2003	Ch.	611	SB	362
01/01/2004	Ch.	60	HB	181
01/01/2004	Ch.	134	HB	250
01/01/2004	Ch.	204	HB	373
01/01/2004	Ch.	280	SB	118
		§§ 2, 4, and 6		
01/01/2004	Ch.	299	HB	186
01/01/2004	Ch.	384	HB	183
01/01/2004	Ch.	385	HB	205
		§§ 1 and 3-6		
01/01/2004	Ch.	399	SB	65
01/01/2004	Ch.	449	HB	698
01/01/2004	Ch.	474	HB	159
		§§ 1-13 and 15-36		
01/01/2004	Ch.	475	HB	190
01/01/2004	Ch.	477	HB	538
01/01/2004	Ch.	491	SB	401
01/01/2004	Ch.	528	SB	464
		§§ 1-4 and 6-8		
01/01/2004	Ch.	533	HB	767
		§ 1		
01/01/2004	Ch.	534	SB	112
		§§ 1-7, 9, and 10		
01/01/2004	Ch.	536	SB	442
01/01/2004	Ch.	560	HB	218
01/01/2004	Ch.	592	HB	559
01/01/2004	Ch.	601	SB	336
03/01/2004	Ch.	534	SB	112
		§ 8		
03/01/2004	Ch.	596	SB	130
07/01/2004	Ch.	550	SB	424
		§§ 1, 3, and 7		
01/01/2005	Ch.	474	HB	159
		§ 14		
01/01/2005	Ch.	528	SB	464
		§ 5		
01/01/2005	Ch.	544	SB	407
		§§ 40-46 and 48		
07/01/2005	Ch.	63	HB	128
On approval by electorate				
07/01/2005	Ch.	481	SB	115
07/01/2005	Ch.	571	HB	680
07/01/2005	Ch.	602	SB	347
		§§ 2, 6, 10, and 16(2)		
07/01/2005	Ch.	609	SB	487
		§§ 1 and 4		
10/01/2005	Ch.	441	HB	540
01/01/2009	Ch.	606	SB	461
		§ 2		
?	Ch.	194	SB	139
(Effective upon receipt of written notification by the Secretary of State from the Director of the Department of Corrections that the compact has been legislatively enacted in law by the 35th compacting state.)				
?	Ch.	209	HB	306
(On approval by the electorate.)				
?	Ch.	284	HB	417
(Effective on the effective date of the repeal of 16 U.S.C. 824a-3.)				

?		Ch. 479		SB	76
	(Effective on the date by which Congress, in the reauthorization of the Individuals with Disabilities Education Act, requires all states to implement the changes required by reauthorization.)				
?		Ch. 520		HB	277
	(On approval by the electorate.)				
?		Ch. 569		HB	609
	(Effective on the date that the State Treasurer certifies to the Governor that sufficient private funds have been received to finance the construction of the monument and tribal flag circle.)				
?		Ch. 597		SB	271
	(§§ 8-10, Effective on the date that the Commissioner of Labor and Industry certifies to the Governor that the delegation of duties in 39-51-301 is terminated.)				

SESSION LAW TO CODE

<u>Ch.</u>	<u>Sec.</u>	<u>MCA</u>	<u>Ch.</u>	<u>Sec.</u>	<u>MCA</u>
1	1	Appropriations	23	1	17-7-142
	2	Sec. 1, Ch. 1, L. 2001		2	Effective date
	3	Effective date	24	1	39-29-101
2	1	1-1-525		2	Applicability
	2	Codification instruction	25	1	75-2-503
3	1	5-1-115 Repealed by sec. 11(3), Ch. 546 (coordination section), effective October 1, 2003		2	75-2-504
	2	5-1-111 Amendments repealed by sec. 11(3), Ch. 546 (coordination section), effective October 1, 2003		3	Effective date
	3	Codification instruction	26	1	19-3-503
	4	Severability		2	19-6-801
	5	Effective date		3	19-7-803
	6	Retroactive applicability		4	19-7-804
4	1	5-1-116		5	19-8-901
	2	Codification instruction		6	19-9-403
	3	Effective date		7	19-13-403
5	1	15-7-139		8	19-5-410
	2	15-7-140		9	19-5-411
	3	Notification of appraisal and audit		10	Codification instruction
	4	45-6-203		11	Effective date
	5	Codification instruction	27	1	46-9-108
	6	Effective date	28	1	75-3-607
	7	Termination		2	Effective date
6	1	Appropriation — time limits	29	1	23-5-612
	2	Effective date		2	Effective date
7	1	13-10-201	30	1	2-6-202
8	1	80-10-201		2	2-6-206
	2	80-10-207		3	2-6-211
	3	Effective date		4	2-6-213
9	1	31-1-221		5	2-6-401
10	1	15-30-142		1	5-7-108
11	1	80-6-315	31	2	5-7-306
	2	80-6-101		3	5-7-209
	3	80-6-105		4	5-7-305
	4	80-6-202		5	Codification instruction
	5	80-6-303		6	Effective date
	6	Repealer	32	1	15-35-108
	7	Codification instruction		2	Effective date
	8	Effective date	33	1	75-1-324
12	1	1-5-405		2	Effective date
	2	1-5-416	34	1	7-6-4410
	3	1-5-610		2	15-8-201
13	1	46-17-311		3	15-8-204
14	1	85-2-516		4	15-10-202
	2	Effective date		5	20-9-122
15	1	7-1-4112		6	85-7-2104
	2	7-1-4116		7	85-9-603
	3	Effective date		8	Effective date
16	1	20-7-461		9	Retroactive applicability
	2	Effective date	35	1	7-6-616
17	1	10-1-104		2	7-7-2101
18	1	75-5-1122		3	7-14-2506
	2	75-6-227		4	7-21-3406
	3	Two-thirds vote required		5	7-21-3413
	4	Effective date		6	7-33-2111
19	1	46-8-103		7	Repealer
20	1	61-8-102		8	Effective date
	2	61-8-105	36	1	Repealer
21	1	20-1-303		2	Saving clause
	2	20-3-106		3	Effective date
	3	20-3-324	37	1	10-3-1204
	4	Effective date	38	1	19-2-511
22	1	45-5-103		2	Two-thirds vote required
	2	Applicability		3	Effective date
			39	1	15-32-115
				2	Effective date
			40	1	81-4-301
			41	1	17-1-501

	2	17-1-502	59	1	13-35-227
	3	17-1-505		2	Effective date
	4	17-3-222	60	1	37-18-601
	5	20-9-331		2	37-18-602
	6	Repealer		3	37-18-603
	7	Effective date		4	37-18-604
42	1	61-3-315		5	37-18-605
43	1	69-3-870		6	37-18-606
	2	17-7-502		7	37-7-103
	3	Codification instruction		8	37-18-104
	4	Effective date		9	Codification instruction
44	1	41-3-609		10	Effective date
	2	Effective date		11	Termination
45	1	25-9-302	61	1	41-5-1801
	2	Effective date		2	Effective date
46	1	61-8-301	62	1	2-17-809
	2	61-8-351		2	Codification instruction
	3	61-8-715		3	Coordination instruction
47	1	13-4-106	63	1	Art. IX, sec. 6, Mont. Const.
48	1	15-1-122		2	Submission to electorate
	2	Effective date	64	1	32-3-203
49	1	85-2-410		2	32-3-702
	2	Effective date		3	Repealer
50	1	87-2-805	65	1	32-7-109
	2	Effective date		2	32-7-110
51	1	15-1-232		3	32-7-117
	2	Codification instruction	66	1	15-30-174
	3	Effective date		2	Effective date
52	1	5-7-102	67	1	37-4-103
	2	5-7-103 Voided by sec. 7(2), Ch. 572 (coordination section)		2	37-4-340
	3	Notification to tribal governments		3	Codification instruction
	4	Effective date		4	Severability
53	1	61-8-201		5	Saving clause
	2	61-8-202		6	Effective date
	3	61-8-203	68	1	72-3-607
	4	61-8-207		2	72-3-609
	5	61-8-208		3	72-3-1006
	6	61-8-209		4	72-4-303
	7	61-8-211		5	72-4-305
	8	61-8-210		6	72-16-906
	9	Repealer		7	Repealer
	10	Codification instruction		8	Effective date
54	1	39-3-406		9	Retroactive applicability
	2	50-5-101	69	1	46-18-901
	3	50-5-225		2	46-18-902
	4	50-5-226		3	46-18-903
	5	50-5-227		4	46-18-904
	6	50-5-1202		5	46-18-905
	7	50-8-101		6	Effective date
	8	52-1-104	70	1	1-1-519
	9	52-3-811		2	Codification instruction
	10	53-6-101	71	1	80-1-103
	11	87-2-802		2	Codification instruction
	12	Name change — directions to code commissioner		3	Effective date
55	1	61-10-206	72	1	20-8-101
	2	Effective date		2	Effective date
56	1	2-17-803	73	1	20-8-102
	2	2-17-804	74	1	20-8-102
	3	2-17-805	75	1	35-1-1315
	4	2-17-807		2	35-12-620
	5	2-17-812		3	30-13-206
	6	2-17-808		4	30-13-207
	7	2-17-813		5	35-1-216
	8	Codification instruction		6	35-1-217
57	1	53-1-413		7	35-1-314
	2	Effective date		8	35-1-1031
58	1	2-2-121		9	35-1-1308
	2	Effective date		10	35-1-1309
				11	35-2-310
				12	35-6-201

13	35-8-105	6	61-8-907
14	35-8-202	7	61-8-908
15	35-8-210	8	61-8-910
16	35-8-912	9	69-12-102
17	35-12-601	10	Codification instruction
18	35-12-606	89	1 90-6-111
19	35-12-611	90	1 75-6-231
20	35-12-612	91	1 37-47-310
21	35-12-1302		2 Effective date
22	35-12-1303	92	1 2-17-512
23	Codification instruction		2 17-5-807
76	1 Repealer		3 Codification instruction
	2 Effective date		4 Effective date
77	1 22-3-1101	93	1 50-53-102
	2 Codification instruction		2 50-53-107
78	1 53-30-402 Voided by sec. 6, Ch. 386 (coordination section)		3 50-53-201
	2 53-30-403		4 50-53-209
79	1 46-21-110	94	1 39-51-204
	2 46-21-111		2 39-51-404
	3 Codification instruction		3 39-51-2302
80	1 87-2-103		4 Saving clause
	2 87-2-105		5 Effective date
	3 87-2-106	95	6 Applicability
	4 87-2-107		1 15-30-209
	5 87-2-114		2 39-51-1206
	6 87-2-125		3 39-51-1301
	7 Codification instruction		4 Effective date
	8 Saving clause	96	1 46-16-105
	9 Severability		2 Effective date
	10 Effective date	97	1 80-2-208
81	1 2-15-2017		2 80-2-244
	2 Codification instruction		3 Effective date
	3 Effective date	98	1 7-22-2101
	4 Termination		2 80-7-701
82	1 Repealer	99	1 75-2-211
	2 Effective date		2 Effective date
83	1 39-3-406	100	1 25-1-201
	2 39-51-204		2 Effective date
	3 39-71-401	101	1 37-24-103
84	1 87-2-101		2 37-24-106
	2 87-2-306		3 37-24-107
	3 87-2-806		4 37-24-108
	4 87-3-204		5 37-24-109
	5 87-3-205		6 Codification instruction
	6 87-4-601	102	1 Repealer
	7 87-4-609		2 Effective date
	8 87-4-610	103	1 85-2-217
	9 Effective date		2 85-2-702
85	1 37-3-102		3 Notification to tribal governments
	2 37-3-103		4 Effective date
	3 37-3-303	104	1 1-2-201
	4 37-3-304		2 Effective date
	5 37-3-104	105	1 32-1-335
	6 Codification instruction		2 32-1-370
	7 Effective date		3 32-1-402
86	1 20-3-322		4 32-1-412
	2 Effective date		5 32-1-423
87	1 76-1-604	106	1 80-7-814
	2 76-2-201		2 80-7-816
	3 76-2-203		3 Effective date
	4 76-2-206	107	1 23-7-306
	5 76-2-303		2 23-7-310
	6 76-2-304		3 Effective date
	7 Effective date	108	1 50-37-106
88	1 61-8-903		2 Effective date
	2 61-8-904	109	1 13-37-117
	3 61-8-905		2 Effective date
	4 61-8-912	110	1 16-4-414
	5 61-8-906		2 16-1-106
			3 16-1-302

	4	16-1-304		55	19-9-1204
	5	16-4-207		56	19-13-1011
	6	16-4-402		57	19-20-101
	7	16-4-406		58	19-21-203
	8	16-4-420		59	19-21-214
	9	23-5-119		60	19-50-102
	10	23-5-177		61	19-50-103
	11	Repealer		62	20-9-344
	12	Codification instruction		63	20-10-205
	13	Effective date		64	20-25-301
111	1	Repealer		65	20-25-427
	2	Effective date		66	23-1-105
112	1	7-4-2110		67	23-2-809
113	1	85-1-624		68	25-13-402
	2	Two-thirds vote required		69	27-1-732
	3	Effective date		70	31-1-704
114	1	1-11-102		71	31-2-106
	2	2-2-106		72	33-20-1317
	3	2-7-501		73	37-7-602
	4	2-15-114		74	37-24-104
	5	2-17-512		75	37-24-303
	6	3-2-605		76	39-10-204
	7	3-10-207		77	39-51-2501
	8	3-20-103		78	40-5-906
	9	5-5-227		79	40-5-909
	10	7-1-202		80	41-3-439
	11	7-4-2502		81	41-5-103
	12	7-6-611		82	41-5-215
	13	7-6-612		83	41-5-216
	14	7-14-112		84	42-10-101
	15	7-15-4283		85	45-5-503
	16	7-15-4288		86	45-5-603
	17	7-32-2128		87	45-9-101
	18	13-35-226		88	45-9-102
	19	15-6-138		89	45-9-103
	20	15-7-102		90	45-9-110
	21	15-7-307		91	45-10-107
	22	15-23-703		92	46-18-242 Voided by sec. 9, Ch. 272 (coordination section)
	23	15-30-106		93	46-23-1004
	24	15-30-111		94	46-24-211
	25	15-30-121		95	50-2-111
	26	15-30-136		96	50-4-502
	27	15-30-201		97	50-4-504
	28	15-30-301		98	50-4-505
	29	15-31-102		99	50-5-101
	30	15-31-114		100	50-5-301
	31	15-31-150		101	50-60-313
	32	15-31-404		102	52-1-103
	33	15-31-405		103	53-2-103
	34	15-32-405		104	53-3-115
	35	15-36-324		105	53-4-221
	36	15-50-205		106	53-4-222
	37	15-50-206		107	53-4-232
	38	15-70-201		108	53-4-601
	39	15-72-102		109	53-4-609
	40	16-11-101		110	53-18-101
	41	17-4-106		111	53-21-186
	42	17-5-703		112	53-30-403
	43	17-5-1102		113	61-3-103
	44	17-5-1103		114	61-3-570
	45	17-5-1111		115	61-3-736
	46	17-7-140		116	61-8-906
	47	19-1-102		117	69-8-104
	48	19-2-303		118	69-8-501
	49	19-2-405		119	70-24-436
	50	19-2-408		120	72-16-607
	51	19-3-2117		121	75-11-302
	52	19-5-902		122	75-20-301
	53	19-6-711		123	76-6-109
	54	19-9-1013			

124	77-6-114	134	1	61-3-332 Voided by sec. 19(1), Ch. 399 (coordination section)
125	80-7-814		2	Effective date Voided by sec. 19(1), Ch. 399 (coordination section)
126	80-8-120	135	1	81-23-101
127	81-6-105		2	81-23-202
128	85-20-1004		3	Effective date
129	85-20-1005	136	1	30-14-143
130	85-20-1007		2	30-14-226
131	87-1-209		3	Codification instruction
132	87-1-221		4	Effective date
133	90-6-127	137	1	75-11-307
134	90-6-715		2	75-11-503
135	Sec. 17, Ch. 414, L. 2001		3	75-11-505
136	Sec. 5, Ch. 522, L. 2001		4	75-11-509
137	Repealer		5	Saving clause
138	Instructions to code commissioner		6	Effective date
115	1		7	Applicability
116	1	138	1	39-71-702
	2		2	Effective date — applicability
	3	139	1	17-5-205
117	1		2	Effective date
118	1	140	1	17-7-502
	2		2	53-24-108
	3		3	53-24-204
	4		4	53-24-206
	5		5	Effective date
	6	141	1	46-18-116
	7		2	46-19-101
119	1	142	1	46-6-107
	2		2	Codification instruction
	3	143	1	61-3-412
120	1		2	61-3-413
	2		3	61-3-562
	3		4	Codification instruction
	4	144	1	2-16-214
	5		2	Codification instruction
	6		3	Effective date
121	1	145	1	7-6-2401
	2		2	Repealer
122	1	146	1	45-9-132
	2		2	46-23-502
	3	147	1	77-1-121
123	1		2	Effective date
	2	148	1	80-9-101
124	1		2	80-9-301
	2		3	Effective date
	3	149	1	39-8-102
125	1	150	1	69-3-1302
	2		2	69-3-1303
	3		3	Effective date
	4	151	1	20-6-105
127	1		2	20-3-205
	2		3	20-6-214
	3		4	20-6-215
128	1		5	20-6-308
129	1		6	20-6-322
130	1		7	Repealer
	2		8	Codification instruction
	3		9	Effective date — applicability
131	1	152	1	3-5-510
	2		2	3-5-511
	3		3	3-5-601
	4		4	3-5-902 Voided by sec. 11, Ch. 583 (coordination section)
132	1		5	3-15-204
133	1		6	41-5-1701
	2		7	41-5-1703
	3		8	41-5-1706
	4		9	41-5-1707
	5			
	6			

	10	Repealer		13	19-20-905
	11	Effective date		14	19-20-1101
153	1	18-4-132		15	Effective date
	2	Effective date	175	1	27-12-104
154	1	46-1-401		2	Effective date
	2	46-18-302	176	1	61-12-402
	3	46-18-305		2	61-12-404
	4	46-18-310		3	61-12-405
155	1	15-32-102		4	61-12-406
	2	15-32-203		5	61-8-913
	3	Saving clause		6	Codification instruction
	4	Effective date	177	1	80-4-420
	5	Retroactive applicability		2	Effective date
156	1	30-10-103	178	1	31-1-802
	2	30-10-107		2	31-1-803
	3	30-10-209		3	31-1-811
	4	30-10-211		4	31-1-817
157	1	41-5-1513		5	31-1-825
158	1	90-6-715		6	31-1-826
	2	Effective date		7	32-5-102
159	1	15-30-106		8	Effective date
	2	15-32-402 Voided by sec. 5(1), Ch. 524 (coordination section)	179	1	85-5-101
	3	15-32-405		2	Effective date — applicability
	4	Repealer	180	1	69-8-412
	5	Effective date		2	Effective date
	6	Retroactive applicability	181	1	2-4-102
160	1	Tax reform study committee	182	1	44-5-306
	2	Appropriation		2	44-5-307
	3	Effective dates		3	17-7-402
161	1	85-2-402		4	Codification instruction
	2	Notification to tribal governments		5	Effective date
	3	Severability	183	1	17-6-345
	4	Effective date		2	17-6-346
162	1	18-8-212		3	17-6-347
	2	85-1-219		4	17-6-302
	3	Effective date		5	Codification instruction
163	1	53-21-127		6	Effective date
164	1	46-14-214	184	1	10-4-114
	2	46-14-301		2	Codification instruction
165	1	53-21-121		3	Effective date
	2	Effective date	185	1	2-15-2221
166	1	80-7-1102		2	2-15-2222
	2	Effective date		3	2-15-2223
167	1	67-2-302		4	2-15-2224
168	1	60-5-110		5	2-15-2225
169	1	17-7-140		6	2-15-2226
	2	Effective date — applicability		7	Codification instruction
170	1	39-71-1501		8	Effective date
	2	39-71-1502	186	1	32-6-104
	3	39-71-1503		2	Effective date
	4	Repealer	187	1	69-3-840
	5	Effective date		2	Effective date
171	1	20-3-109	188	1	41-5-103
	2	Codification instruction		2	Effective date
	3	Effective date	189	1	41-3-422
172	1	37-4-405		2	41-3-432
173	1	20-4-109	190	1	2-15-150
174	1	19-20-101		2	23-5-631
	2	19-20-201		3	30-16-303
	3	19-20-208		4	50-60-313
	4	19-20-212		5	53-2-1203
	5	19-20-402		6	76-3-403
	6	19-20-414		7	90-1-114
	7	19-20-705		8	Effective date
	8	19-20-710	191	1	13-37-206
	9	19-20-715		2	Notification to tribal governments
	10	19-20-718	192	1	60-2-134
	11	19-20-719		2	60-2-135
	12	19-20-805		3	60-2-136
				4	60-2-137

	5	18-8-204		26	50-74-312
	6	18-8-205		27	50-76-104
	7	60-2-111		28	Repealer
	8	60-2-112		29	Codification instruction
	9	Codification instruction	197	1	39-51-204
	10	Effective date		2	Effective date
193	1	39-71-401	198	1	7-12-2109
	2	39-71-503	199	1	75-10-621
	3	39-71-504		2	75-10-704
	4	39-71-506		3	75-10-743
	5	39-71-520		4	Contingent appropriation of
	6	39-71-535			orphan share funds
	7	39-71-901		5	Effective date
	8	39-71-911		6	Contingent termination
	9	39-71-915	200	1	75-10-534
	10	39-71-920		2	Effective date
	11	39-71-1004	201	1	87-2-104
	12	Codification instruction		2	87-2-501
	13	Severability		3	87-2-505
	14	Saving clause		4	87-2-702
	15	Effective date		5	87-2-704
194	1	41-6-101		6	Effective date
	2	Two-thirds vote required	202	1	30-10-105
	3	Contingent effective date	203	1	18-1-203
195	1	33-10-235		2	18-2-201
	2	33-10-236		3	18-2-302
	3	33-10-201		4	18-4-312
	4	33-10-202	204	1	82-4-202
	5	33-10-203		2	82-4-203
	6	33-10-205		3	82-4-221
	7	33-10-206		4	82-4-222
	8	33-10-207		5	82-4-231
	9	33-10-210		6	82-4-232
	10	33-10-215		7	82-4-233
	11	33-10-217		8	82-4-234
	12	33-10-219		9	82-4-235
	13	33-10-220		10	82-4-236
	14	33-10-221		11	82-4-222(6), (7)
	15	33-10-222		12	Codification instruction
	16	33-10-223		13	Severability
	17	33-10-224		14	Saving clause
	18	33-10-226		15	Contingent voidness
	19	33-10-227		16	Effective date
	20	Codification instruction	205	1	Sec. 11, Ch. 24, Special L. August
	21	Effective date			2002
196	1	37-40-302		2	Repealer
	2	37-47-304		3	Effective date
	3	37-50-204	206	1	50-4-312
	4	37-50-305		2	50-4-504
	5	37-50-308		3	50-4-505
	6	37-50-309		4	Repealer
	7	37-51-303		5	Effective date
	8	37-54-105	207	1	53-1-401
	9	37-54-201		2	53-1-404
	10	37-54-302		3	Effective date
	11	37-54-305	208	1	75-5-315
	12	37-65-303		2	75-5-316
	13	37-67-303		3	Severability
	14	37-67-311		4	Effective date
	15	37-68-304		5	Applicability
	16	37-68-305	209	1	Art. IX, sec. 6, Mont. Const.
	17	37-68-307		2	Effective date
	18	37-68-311		3	Submission to electorate
	19	37-69-304	210	1	23-5-602
	20	37-69-305		2	23-5-610
	21	37-69-307		3	23-5-611
	22	37-72-303		4	23-5-621
	23	37-72-304		5	23-5-637
	24	37-72-305		6	Effective date
	25	50-74-320	211	1	23-7-202

	2	Effective date	9	37-3-313
212	1	87-1-217	10	37-3-315
	2	Codification instruction	11	37-3-345
	3	Severability	12	37-4-301
	4	Effective date	13	37-4-311
213	1	61-8-402	14	37-4-312
214	1	7-6-204	15	37-4-402
	2	Effective date	16	37-6-304
215	1	44-1-1001	17	37-12-102
216	1	80-8-203	18	37-12-302
	2	80-8-207	19	37-12-304
	3	80-8-213	20	37-13-306 Replaced by sec. 33, Ch.
	4	Repealer		224 (coordination section)
	5	Effective date	21	37-16-403
217	1	7-1-111	22	37-19-302
	2	69-3-1205	23	37-19-303
	3	75-20-102	24	37-20-302
	4	75-20-104	25	37-20-303
	5	75-20-201	26	37-26-301
	6	75-20-211	27	37-27-105
	7	75-20-213	28	37-27-202
	8	75-20-215	29	37-29-304
	9	75-20-216	30	39-71-116
	10	75-20-223	31	50-5-105
	11	75-20-231	32	Repealer
	12	75-20-232	33	Coordination instruction
	13	75-20-301	34	Severability
	14	75-20-303	35	Saving clause
	15	85-2-124	36	Effective date
	16	85-2-607	225	1 15-30-101
	17	85-15-107	2	15-30-1102
	18	90-6-207	3	15-30-1112
	19	Saving clause	4	15-30-1113
	20	Severability	226	1 39-71-2615
	21	Effective date	2	Effective date
218	1	13-1-209	227	1 87-3-204
	2	Codification instruction	228	1 87-2-307
	3	Effective date	2	87-1-605
219	1	7-14-1001	3	87-2-104
	2	7-14-1002	4	87-2-306
	3	7-14-1003	5	87-2-805
	4	7-14-1004	6	87-3-236
	5	7-14-1005	7	Codification instruction
	6	7-14-1006	8	Effective date
	7	7-14-1007	229	1 44-5-302
	8	Codification instruction	2	Effective date
220	1	20-25-312	230	1 72-17-105
221	1	31-1-704	2	72-17-106
	2	31-1-712	3	61-5-301
	3	31-1-721	4	72-17-201
	4	31-1-722	5	Codification instruction
	5	31-1-724	231	1 75-2-111
	6	32-5-102	2	75-2-204
	7	Effective date	3	75-2-211
222	1	10-1-901	4	75-2-218
	2	10-1-902	5	75-2-221
	3	10-1-903	6	75-5-401
	4	10-1-904	7	75-2-234
	5	Codification instruction	8	Codification instruction
	6	Saving clause	9	Severability
	7	Effective date	10	Effective date
223	1	Repealer	11	Retroactive applicability
224	1	2-15-1733	232	1 5-11-303
	2	15-6-217	2	5-11-304
	3	37-3-102	3	5-11-305
	4	37-3-103	4	5-11-707
	5	37-3-203	5	Repealer
	6	37-3-303	6	Codification instruction
	7	37-3-304	7	Effective date
	8	37-3-307	233	1 Repealer

	2	Effective date	11	50-9-205
234	1	Sec. 5, Ch. 529, L. 1999	12	50-9-206
	2	Effective date	13	50-10-101
235	1	Sec. 2, Ch. 447, L. 1997	14	50-10-102
	2	Sec. 8, Ch. 447, L. 1997	15	50-10-103
	3	Sec. 2, Ch. 519, L. 1999	16	50-10-104
	4	Sec. 5, Ch. 519, L. 1999	17	50-10-106
	5	Effective date	241	1 15-17-121
	6	Retroactive applicability	242	1 76-13-408
236	1	15-1-121	2	Effective date
	2	17-4-105	243	1 2-15-1747
	3	Effective date	2	15-30-256
237	1	32-3-103	3	37-31-103
	2	32-3-215	4	37-20-303
	3	32-3-216	5	37-31-101
	4	32-3-201	6	37-31-102
	5	32-3-202	7	37-31-203
	6	32-3-203	8	37-31-301
	7	32-3-204	9	37-31-302
	8	32-3-205	10	37-31-303
	9	32-3-211	11	37-31-304
	10	32-3-212	12	37-31-305
	11	32-3-207	13	37-31-308
	12	32-3-206	14	37-31-311
	13	32-3-301	15	37-31-312
	14	32-3-302	16	37-31-321
	15	32-3-303	17	37-31-322
	16	32-3-307	18	37-31-323
	17	32-3-310	19	37-31-331
	18	32-3-321	20	39-51-204
	19	32-3-322	21	49-2-101
	20	32-3-323	22	50-61-103 Voided by sec. 10, Ch. 387 (coordination section)
	21	32-3-401	23	Repealer
	22	32-3-403	24	Codification instruction
	23	32-3-404	25	Severability
	24	32-3-408	244	1 Exemptions Voided by sec. 4, Ch. 244 (coordination section)
	25	32-3-411	2	37-31-102
	26	32-3-412	3	Codification instruction
	27	32-3-414	4	Coordination instruction
	28	32-3-417	5	Effective date
	29	32-3-505	245	1 75-11-307
	30	32-3-506	2	75-11-308
	31	32-3-508	3	75-11-309
	32	32-3-601	4	75-11-312
	33	32-3-602	5	75-11-313
	34	32-3-604	6	75-11-318
	35	32-3-608	7	Codification instruction
	36	32-3-611	8	Saving clause
	37	32-3-702	9	Applicability
	38	32-3-703	246	1 23-2-511 Voided by sec. 47(1), Ch. 592 (coordination section)
	39	32-3-705	2	23-2-512 Voided by sec. 47(1), Ch. 592 (coordination section)
	40	Repealer	3	23-2-616 Voided by sec. 47(1), Ch. 592 (coordination section)
	41	Codification instruction	4	23-2-618 Voided by sec. 47(1), Ch. 592 (coordination section)
238	1	72-5-231	5	23-2-817 Voided by sec. 47(1), Ch. 592 (coordination section)
	2	72-5-233	6	Effective date Voided by sec. 47(1), Ch. 592 (coordination section)
	3	72-5-321	247	1 82-4-336 Voided by sec. 2, Ch. 247 (coordination section)
	4	72-5-324	2	Coordination instruction
239	1	90-2-1113	3	Effective date Voided by sec. 2, Ch. 247 (coordination section)
	2	Effective date		
	3	Termination		
240	1	50-9-102		
	2	50-9-103		
	3	50-9-104		
	4	50-9-105		
	5	50-9-106		
	6	50-9-107		
	7	50-9-201		
	8	50-9-202		
	9	50-9-203		
	10	50-9-204		

	4	Retroactive applicability Voided by sec. 2, Ch. 247 (coordination section)	263	1	80-5-130
				2	80-5-131
				3	Effective date
248	1	61-3-479	264	1	7-5-2133
249	1	69-3-1301		2	7-5-4125
	2	69-3-1302		3	Codification instruction
	3	69-3-1303		4	Effective date
	4	69-3-1305	265	1	5-11-105
	5	69-3-1308	266	1	41-5-121
	6	69-3-1309	267	1	39-51-201
	7	69-3-1310		2	Effective date — applicability
	8	69-3-1311	268	1	7-6-617
	9	69-3-1315		2	Codification instruction
	10	69-3-1316		3	Effective date
	11	Codification instruction	269	1	76-1-223
	12	Effective date	270	1	80-11-206
250	1	61-3-465		2	Effective date
	2	Effective date	271	1	20-7-134
251	1	61-5-111		2	37-1-138
252	1	15-1-121		3	13-1-112
	2	Effective date		4	27-12-206
	3	Retroactive applicability		5	37-1-105
253	1	44-5-103		6	37-1-136
	2	44-5-303		7	37-3-313
	3	Applicability		8	37-3-346
254	1	2-15-1508		9	37-4-307
	2	2-15-1821		10	37-4-406
	3	2-15-1822		11	37-5-307
	4	5-1-102		12	37-6-304
	5	Saving clause		13	37-7-303
255	1	53-1-214		14	37-8-431
	2	20-25-421		15	37-9-305
	3	Codification instruction		16	37-10-307
	4	Effective date		17	37-11-201
	5	Retroactive applicability		18	37-11-308
256	1	60-1-209		19	37-12-307
	2	Codification instruction		20	37-13-306
	3	Notification to tribal governments		21	37-14-310
257	1	30-13-301		22	37-15-308
	2	30-13-303		23	37-16-407
	3	30-13-311		24	37-17-306
	4	30-13-310		25	37-17-307
	5	30-13-312		26	37-18-307
	6	30-13-313		27	37-19-306
	7	30-13-315		28	37-20-302
	8	30-13-317		29	37-21-302
	9	30-13-318		30	37-22-304
	10	30-13-331		31	37-23-205
	11	30-13-332		32	37-24-308
	12	30-13-333		33	37-25-307
	13	30-13-334		34	37-26-201
	14	30-13-335		35	37-27-105
	15	30-13-337		36	37-28-203
	16	Repealer		37	37-29-306
	17	Codification instruction		38	37-31-322
	18	Effective date		39	37-32-305
258	1	46-18-201		40	37-34-201
	2	Effective date		41	37-35-203
	3	Retroactive applicability		42	37-40-304
259	1	40-15-402		43	37-42-308
	2	40-15-403		44	37-43-307
	3	Effective date		45	37-43-313
260	1	41-2-117		46	37-47-307
	2	Effective date		47	37-50-317
261	1	19-9-1204		48	37-51-310
	2	Effective date		49	37-53-103
	3	Retroactive applicability		50	37-53-203
262	1	19-17-401		51	37-54-211
	2	19-17-404		52	37-54-311
	3	Effective date		53	37-60-312

54	37-65-306	7	61-3-473
55	37-66-307	8	61-3-474
56	37-67-315	9	61-3-475
57	37-68-310	10	61-3-476
58	37-69-307	11	61-3-477
59	37-72-306	12	61-3-478
60	50-6-203	13	61-3-479
61	Codification instruction	14	61-3-480
62	Effective date	15	61-3-481
63	Retroactive applicability	16	61-3-562
272	1 46-18-201	17	Repealer
	2 46-18-237	18	Effective dates
	3 46-18-241	19	Applicability
	4 46-18-242	281	1 75-10-513
	5 46-18-243		2 75-10-532
	6 46-18-244		3 Effective date
	7 46-18-245	282	1 70-24-104
	8 53-30-132	283	1 Natural resource damage program
	9 Coordination instruction		appropriation
	10 Retroactive applicability		2 Loan agreement
273	1 7-33-2205		3 Three-fourths vote required
274	1 28-2-2101		4 Effective dates
	2 28-2-2103	284	1 Repealer
	3 28-2-2115		2 Saving clause
	4 28-2-2116		3 Effective date — notification to
	5 28-2-2117		code commissioner
	6 Codification instruction		4 Applicability
	7 Applicability	285	1 61-10-124
275	1 Repealer		2 Contingent voidness
	2 Effective date		3 Effective date
276	1 20-3-209	286	1 45-5-621
	2 20-9-101		2 Effective date
	3 20-9-501	287	1 82-4-337
	4 20-10-146		2 Effective date
	5 Effective date — applicability		3 Retroactive applicability
277	1 7-7-2304	288	1 75-7-125
	2 7-7-2316		2 Codification instruction
	3 7-7-4304		3 Effective date
	4 7-7-4316		4 Retroactive applicability —
	5 7-7-4502		applicability
	6 7-12-2109	289	1 19-3-503
	7 7-12-2141		2 19-6-801
	8 7-12-2120		3 19-7-803
	9 7-12-2161		4 19-7-804
	10 7-12-2168		5 19-8-901
	11 7-12-2171		6 19-9-403
	12 7-12-4110		7 19-13-403
	13 7-12-4137		8 19-5-412
	14 7-12-4174		9 19-5-413
	15 7-12-4203		10 Codification instruction
	16 7-13-114		11 Effective date
	17 7-13-3043	290	1 69-8-402
	18 7-14-4712		2 Effective date
	19 7-14-4732	291	1 20-9-622
	20 17-5-2102		2 77-1-109
	21 20-9-412		3 Effective date
	22 Codification instruction	292	1 19-3-515
	23 Repealer		2 19-3-514
	24 Effective date		3 Codification instruction
278	1 Repealer	293	1 18-2-401
	2 Effective date		2 Effective date
	3 Retroactive applicability	294	1 69-1-104
279	1 61-3-110		2 Transition
	2 Codification instruction		3 Saving clause
280	1 61-3-301	295	1 Sec. 1, Ch. 589, L. 2001
	2 61-3-321		17-5-820 (sec. 5, Ch. 269, L. 1999)
	3 61-3-332		2 Effective date
	4 61-3-333	296	1 Appropriations from the renewable
	5 61-3-424		resource grant and loan state
	6 61-3-465		special revenue account

2	Condition of grants	307	1	37-14-102
3	Conditions for grants	2	2	37-14-301
4	Appropriations established	3	3	37-14-313
5	Review of previously authorized grants	4	4	Codification instruction
6	Severability	308	1	32-5-301
7	Notification to tribal governments	309	1	40-4-121
8	Effective dates	2	2	46-7-102
297	1	310	1	69-3-832
	Approval of renewable resource projects and authorization to provide loans	2	2	69-3-829
		3	3	69-3-830
2	Projects not completing requirements — projects reauthorized	4	4	Codification instruction
		5	5	Effective date
3	Coal severance tax bonds authorized	311	1	61-10-125
		312	1	30-14-1501
4	Condition of loans	2	2	Codification instruction
5	Private and discount purchase of loans	313	1	Repealer
		2	2	Effective date
6	Appropriation established	314	1	25-2-118
7	Creation of state debt — appropriation of coal severance tax — bonding provisions	2	2	40-4-104
		3	3	40-4-305
8	Severability	315	1	15-17-131
9	Effective date	2	2	15-7-138
		3	3	15-16-102
298	1	4	4	Codification instruction
	44-10-204	316	1	44-4-305
2	3-1-318	2	2	44-4-301
3	Codification instruction	3	3	44-4-302
4	Effective date — applicability	4	4	Codification instruction
299	1	5	5	Effective date
	61-4-109	317	1	37-8-102
2	61-4-110	2	2	37-8-431
3	61-4-101	3	3	37-8-443
4	61-4-102	4	4	Effective date
5	61-4-104	318	1	77-1-1001
6	61-4-105	2	2	77-1-1002
7	61-4-107	3	3	77-1-121
8	61-4-111	4	4	77-3-301
9	61-4-120	5	5	Notification to tribal government
10	61-4-123	6	6	Codification instruction
11	61-4-124	7	7	Effective date
12	61-4-125	319	1	87-2-811
13	61-4-129	2	2	87-2-812
14	61-4-206	3	3	Codification instruction
15	61-4-301	320	1	13-17-108
16	Codification instruction	2	2	Codification instruction
17	Effective date	3	3	Effective date
18	Applicability	321	1	87-2-601
300	1	2	2	87-2-603
	61-2-302 Voided by sec. 15(7), Ch. 556 (coordination section)	3	3	87-2-605
2	61-5-208	4	4	Effective date
3	61-8-421	322	1	30-14-102
4	61-8-442	2	2	30-14-105
5	61-8-714	3	3	30-14-111
6	61-8-722	4	4	30-14-131
7	61-8-733	5	5	30-14-133
8	Effective date	6	6	30-14-142
9	Applicability	7	7	30-14-211
301	1	8	8	30-14-219
	39-3-204	9	9	30-14-220
2	Effective date — applicability	10	10	30-14-222
302	1	11	11	30-14-223
	44-2-117	12	12	30-14-224
2	Codification instruction	13	13	30-14-501
3	Effective date	14	14	30-14-502
303	1	15	15	30-14-503
	69-14-562	16	16	30-14-506
2	Effective date	17	17	Repealer
304	1	18	18	Coordination instruction
	46-6-311	19	19	Effective date
305	1	323	1	13-27-111
	28-2-2111			
2	Codification instruction			
3	Effective date — applicability			
306	1			
	37-3-304			
2	37-3-305			

	2	13-27-201		2	Effective date
	3	13-27-202	338	1	15-32-106
	4	13-27-204		2	15-32-503
	5	13-27-205		3	15-32-507
	6	13-27-206	339	1	33-15-1104
	7	13-27-207		2	33-15-1105
	8	13-27-301		3	33-15-1106
	9	13-27-302		4	33-23-212
	10	13-27-303		5	33-23-214
	11	13-27-304		6	33-23-302
	12	13-27-307		7	33-23-312
	13	Effective date		8	33-23-401
324	1	75-20-104		9	Codification instruction
	2	Effective date		10	Applicability
325	1	33-22-261	340	1	32-1-115
	2	33-22-262		2	20-3-324
	3	33-22-263		3	32-1-102
	4	33-22-301		4	32-1-402
	5	33-22-706		5	32-3-106
	6	33-30-1001		6	Codification instruction
	7	33-31-111		7	Effective date
	8	33-31-202	341	1	37-54-102
	9	33-31-301		2	37-54-202
	10	33-36-201		3	37-54-304
	11	33-36-205	342	1	15-23-801
	12	Codification instruction		2	15-37-103
	13	Effective date		3	Effective date
	14	Termination		4	Applicability
326	1	77-2-306	343	1	46-5-401
	2	Effective date		2	Repealer
327	1	2-2-111	344	1	45-5-220
	2	Effective date		2	45-5-625
328	1	Vehicle purchases — leasing guideline		3	45-8-212
	2	Effective date		4	45-8-213
329	1	61-5-205 Voided by sec. 15(4), Ch. 556 (coordination section)	345	5	46-3-112
	2	61-5-208		1	46-18-203
	3	61-8-401		2	Effective date
	4	61-8-406		3	Retroactive applicability
	5	61-8-442	346	1	46-16-105
	6	61-11-203		2	Effective date
	7	Code commissioner instruction		3	Applicability
	8	Effective date	347	1	85-7-2125
330	1	60-4-104		2	Codification instruction
	2	70-30-302		3	Saving clause
	3	70-30-311		4	Effective date
	4	Effective date		5	Termination
	5	Applicability	348	1	50-5-101
331	1	5-2-205		2	50-5-220
332	1	17-2-108		3	Codification instruction
	2	17-2-304		4	Effective date
	3	17-7-111	349	1	85-8-302
	4	17-7-402		2	Effective date
	5	Effective date	350	1	52-3-803
333	1	87-4-601		2	52-3-825
	2	Sec. 5, Ch. 409, L. 1989		3	Coordination instruction
	3	Sec. 2, Ch. 196, L. 1993		4	Effective date
	4	Effective date	351	1	2-15-1820
334	1	7-2-4211		2	15-35-108
	2	Codification instruction		3	17-6-403
335	1	61-4-131		4	90-1-116
336	1	5-2-402		5	90-8-201
	2	5-2-403		6	Repealer
	3	5-2-404		7	Notification to tribal governments
	4	5-2-406		8	Codification instruction
	5	5-2-407		9	Effective dates
	6	Effective date	352	1	61-8-301
337	1	Feasibility study on rail freight competition		2	61-8-303
				3	61-8-311
				4	61-8-312
				5	61-8-317

6	61-8-321	13	77-2-363
7	61-8-323	14	77-2-364
8	61-8-324	15	77-2-365
9	61-8-325	16	77-2-366
10	61-8-326	17	77-2-367
11	61-8-327	18	Repealer
12	61-8-328	19	Codification instruction
13	61-8-329	20	Severability
14	61-8-330	21	Effective date
15	61-8-331	356	1 Repealer
16	61-8-332	2	Effective date
17	61-8-333 Replaced by sec. 51(2)(a), Ch. 352 (coordination section)	357	1 61-9-321
18	61-8-334	2	61-9-521
19	61-8-336	3	Codification instruction
20	61-8-338 Replaced by sec. 51(2)(b), Ch. 352 (coordination section)	4	Applicability
21	61-8-340	358	1 45-8-211
22	61-8-341	2	Saving clause
23	61-8-342	3	Effective date
24	61-8-320	359	1 69-4-602
25	61-8-343	2	69-4-603
26	61-8-344	3	Effective date
27	61-8-345	360	1 61-4-501
28	61-8-346	2	61-4-516
29	61-8-347	3	61-4-518
30	61-8-348	4	61-4-519
31	61-8-349	361	1 2-4-702
32	61-8-350	2	75-1-107, 82-1-401
33	61-8-354	3	2-4-704
34	61-8-355	4	50-40-102
35	61-8-356	5	75-1-102
36	61-8-359	6	75-1-103
37	61-8-360	7	75-2-102
38	61-8-361	8	75-2-104
39	61-8-362	9	75-5-101
40	61-8-363	10	75-5-102
41	61-8-364	11	75-7-102
42	61-8-365	12	75-7-121
43	61-8-368	13	75-10-202
44	61-8-369	14	75-10-402
45	61-8-715	15	75-10-420
46	61-9-402	16	75-10-706
47	61-9-416	17	75-10-902
48	61-9-431	18	75-11-202
49	20-1-214	19	75-11-301
50	Repealer	20	75-11-502
51	Coordination instruction	21	75-20-102
52	Codification instruction	22	75-20-201
353	1 17-7-502	23	75-20-401
2	53-1-107	24	75-20-406
3	53-1-109	25	76-6-102
4	Codification instruction	26	76-7-102
5	Coordination instruction	27	82-4-102
354	1 46-17-203	28	82-4-202
2	46-17-311	29	82-4-239
3	Effective date	30	82-4-252
4	Applicability	31	82-4-301
355	1 17-3-1003	32	82-4-349
2	17-7-502	33	82-4-402
3	18-2-107	34	82-4-427
4	77-1-109	35	82-4-436
5	77-2-301	36	87-5-103
6	77-2-306	37	75-1-108
7	77-2-309	38	Codification instruction
8	77-2-323	39	Severability
9	77-2-328	40	Effective date
10	77-2-337	41	Retroactive applicability
11	77-2-361	362	1 53-30-603
12	77-2-362	2	Effective date
		363	1 53-1-107
		364	1 61-7-118

365	1	82-4-303	4	33-18-245
	2	82-4-335	5	Codification instruction
	3	82-4-336	379	1 61-8-316
	4	82-4-342	2	61-5-205
	5	Effective date	3	61-8-301
366	1	45-8-211	4	61-8-715
	2	45-8-217	5	61-9-402
	3	27-1-434	6	61-9-431
	4	Codification instruction	7	Codification instruction
367	1	13-13-213	380	1 33-3-450
	2	13-38-201	2	33-3-451
	3	85-8-302 Voided by sec. 5(1), Ch.	3	33-3-452
	4	367 (coordination section)	4	33-3-453
	5	85-8-624	5	33-1-235
	6	Coordination instruction	6	33-1-408
368	1	75-10-743	7	33-1-705
	2	Repealer	8	33-1-1202
	3	Effective date	9	33-2-115
369	1	16-1-106	10	33-2-307
	2	16-4-111	11	33-2-326
	3	16-4-204	12	33-2-708
	4	16-4-301	13	33-3-201
	5	16-4-501	14	33-3-441
	6	Effective date	15	33-4-101
370	1	15-6-227	16	33-4-202
	2	Codification instruction	17	33-10-102
	3	Effective date	18	33-10-207
	4	Retroactive applicability	19	33-16-403
371	1	7-6-2407	20	33-17-503
	2	Effective date	21	33-17-511
372	1	16-3-107	22	33-17-1102
373	1	50-31-103	23	33-17-1204
	2	50-31-110	24	33-20-101
	3	50-31-208	25	33-20-103
	4	50-31-312	26	33-20-105
	5	50-31-501	27	33-20-114
	6	Repealer	28	33-20-1202
374	1	20-3-106	29	33-20-1203
	2	61-8-501	30	33-20-1204
	3	61-8-502	31	33-20-1205
	4	61-8-504	32	33-20-1206
	5	61-8-506	33	33-20-1207
	6	61-8-507	34	33-20-1209
	7	61-8-508	35	33-20-1210
	8	61-8-515	36	33-20-1213
	9	61-8-516	37	33-22-101
	10	61-8-517	38	33-22-107
	11	Repealer	39	33-22-303
	12	Codification instruction	40	33-22-512
375	1	23-3-405	41	33-22-1512
	2	23-3-501	42	33-22-1513
	3	37-50-102	43	33-23-212
	4	37-50-203	44	33-30-102
	5	37-50-301	45	33-30-107
	6	37-50-311	46	33-30-204
	7	37-50-312	47	33-31-111
	8	37-50-313	48	33-31-212
	9	37-50-335	49	33-35-306
	10	37-51-204	50	45-6-301
	11	37-60-303	51	50-3-109
	12	37-60-304	52	Repealer
	13	Repealer	53	Codification instruction
	14	Saving clause	54	Coordination instruction
	15	Effective date	381	1 2-15-3405
376	1	33-22-1815	2	87-1-601
377	1	39-71-704	3	87-2-411
	2	Effective date — applicability	4	Repealer
378	1	33-18-231	5	Effective date
	2	33-18-232	382	1 52-5-129
	3	33-18-233	2	Effective date

383	1	33-28-301	15	Codification instruction
	2	33-28-302	16	Effective date
	3	33-28-303	390	1 15-66-101
	4	33-28-304	2	15-66-102
	5	33-28-305	3	15-66-201
	6	33-28-306	4	15-66-202
	7	Disability income insurance Voided by sec. 17, Ch. 383 (coordination section)	5	15-66-203
	8	33-28-101	6	15-66-204
	9	33-28-102	7	15-66-205
	10	33-28-104	8	15-66-206
	11	33-28-105	9	15-66-207
	12	33-28-107	10	15-66-208
	13	33-28-108	11	15-66-209
	14	33-28-201	12	15-66-103
	15	33-28-207	13	15-66-104
	16	Codification instruction	14	53-6-149
	17	Coordination instruction	15	Appropriation
	18	Effective date	16	Codification instruction
384	1	33-22-107	17	Severability
	2	33-22-530	18	Contingent voidness — payment of fees
	3	33-22-122	19	Effective date
	4	33-22-141	20	Termination
	5	33-22-142	391	1 10-3-103
	6	33-30-1007	2	45-5-623
	7	33-31-111	3	50-1-101
	8	33-35-306	4	50-1-202
	9	Repealer	5	50-1-204
	10	Codification instruction	6	50-2-101
	11	Effective date — applicability	7	50-2-116
385	1	33-19-104	8	50-2-118
	2	33-19-105	9	50-2-130
	3	33-19-202	10	50-16-603
	4	33-19-301	11	Effective date
	5	33-19-306	392	1 50-74-303
	6	33-19-307	2	50-74-304
	7	Effective dates — applicability	393	1 61-3-313
386	1	46-18-203	2	61-3-526
	2	46-23-1031	3	Effective date
	3	53-30-402	394	1 52-2-710
	4	46-6-507	2	Codification instruction
	5	Codification instruction	3	Effective date
	6	Coordination instruction	395	1 7-13-2275
	7	Effective date	2	Effective date
387	1	2-17-112	396	1 41-1-401
	2	50-3-102	2	41-1-402
	3	50-3-103	3	41-1-403
	4	50-37-108	4	50-5-106
	5	50-61-101	5	50-16-201
	6	50-61-103	6	50-16-502
	7	50-61-114	7	50-16-504
	8	50-63-203	8	50-16-505
	9	Repealer	9	50-16-535
	10	Coordination instruction	10	50-16-1009
388	1	61-8-404	11	50-19-402
389	1	3-5-114	12	50-19-405
	2	3-6-102	13	50-19-406
	3	3-6-202	14	53-24-306
	4	3-6-204	15	50-16-801
	5	3-10-101	16	50-16-802
	6	3-10-203	17	50-16-803
	7	3-10-207	18	50-16-804
	8	3-10-115	19	50-16-805
	9	3-10-116	20	50-16-811
	10	3-10-117	21	50-16-812
	11	25-33-301	22	50-16-816
	12	46-17-311	23	50-16-817
	13	Grandfather clause	24	50-16-818
	14	Saving clause	25	Codification instruction
			26	Effective date

397	1	16-11-501	9	77-1-909
	2	16-11-502	10	77-1-910
	3	16-11-503	11	77-1-911
	4	16-11-504	12	77-1-912
	5	16-11-505	13	77-1-204
	6	16-11-506	14	77-2-106
	7	16-11-507	15	77-6-109
	8	16-11-508	16	77-6-503
	9	16-11-509	17	Codification instruction
	10	16-11-510	18	Saving clause
	11	16-11-511	19	Severability
	12	16-11-512	20	Effective date
	13	16-11-404	21	Applicability
	14	16-11-403	405	1 15-6-225
	15	17-7-502		2 15-24-1401
	16	Contingent voidness		3 15-31-124
	17	Severability		4 15-32-402 Voided by sec. 5(2)(a), Ch. 524 (coordination section)
	18	Transition		5 17-6-403
	19	Codification instruction		6 30-16-103
	20	Effective date		7 75-10-103
	21	Retroactive applicability		8 75-10-104
398	1	41-3-102		9 75-10-105
	2	41-3-301		10 75-10-106
	3	Effective dates		11 80-12-201
399	1	61-3-458		12 90-5-101
	2	61-3-459		13 90-8-104
	3	61-3-460		14 Repealer
	4	15-1-121		15 Coordination instruction
	5	15-1-122	406	1 41-3-102
	6	15-6-211		2 41-3-202
	7	49-4-301	407	1 61-9-420
	8	49-4-302		2 61-13-103
	9	49-4-304	408	1 70-24-303
	10	61-3-313		2 70-24-321
	11	61-3-321		3 70-24-422
	12	61-3-332		4 70-24-427
	13	61-3-407	409	1 33-17-1501
	14	61-3-426		2 33-17-1502
	15	61-3-455		3 33-17-1503
	16	61-3-560		4 33-17-1504
	17	Repealer		5 33-17-1505
	18	Codification instruction		6 Codification instruction
	19	Coordination instruction		7 Applicability
	20	Effective date	410	1 37-76-101
400	1	76-2-411		2 37-76-102
	2	Coordination instruction		3 37-76-103
	3	Applicability		4 37-76-104
401	1	50-5-101		5 37-76-105
	2	50-5-103		6 37-76-106
	3	53-6-702		7 37-76-107
402	1	19-3-412		8 37-76-108
	2	19-3-1106		9 37-76-109
	3	19-20-302		10 37-76-113
	4	19-20-804		11 37-76-114
	5	Effective date		12 37-76-115
403	1	50-5-101		13 37-76-116
	2	53-6-165		14 37-76-117
	3	53-6-171		15 37-76-118
	4	53-6-702		16 37-76-119
	5	50-5-238		17 37-76-120
	6	Codification instruction		18 37-76-121
	7	Effective date		19 37-76-122
404	1	77-1-901		20 37-76-123
	2	77-1-902		21 37-1-401
	3	77-1-903		22 Codification instruction
	4	77-1-904		23 Severability
	5	77-1-905	411	1 20-9-235
	6	77-1-906	412	1 70-19-426
	7	77-1-907		2 70-19-427
	8	77-1-908		

413	3	70-19-428	51	13-15-101
	4	27-2-208	52	13-15-103 (renum. 13-15-207)
	5	Codification instruction	53	13-15-104
	6	Saving clause	54	13-15-105
	7	Severability	55	13-15-201
	1	50-19-402	56	13-16-201
	2	50-19-403	57	13-16-303
414	3	50-19-404	58	13-16-411
	4	50-19-405	59	13-16-412
	5	50-19-406	60	13-16-414
	6	Notification to tribal governments	61	13-16-417
	1	13-15-112	62	13-16-420
	2	13-15-206	63	13-17-101
	3	13-17-211	64	13-17-102
	4	13-17-212	65	13-17-103
	5	13-1-101	66	13-17-104
	6	13-1-103	67	13-17-105
	7	13-1-202	68	13-17-106
	8	13-1-203	69	13-17-107
	9	13-3-105	70	13-17-201
	10	13-4-101	71	13-17-203
	11	13-4-102	72	13-17-204
	12	13-4-203	73	13-17-206
	13	13-10-204	74	13-17-305
	14	13-10-208	75	13-17-306
	15	13-10-209	76	13-19-106
	16	13-10-211	77	13-19-309
	17	13-10-301	78	13-19-312
	18	13-10-302	79	13-19-314
	19	13-10-303	80	13-25-101
	20	13-10-311	81	13-27-501
	21	13-12-201	82	13-27-502
	22	13-12-202	83	13-35-202
	23	13-12-203	84	13-35-205
	24	13-12-204	85	13-35-206
	25	13-12-205	86	13-37-126
	26	13-12-212	87	13-37-250
	27	13-13-111	88	13-38-201
	28	13-13-112	89	20-20-421
	29	13-13-115	90	76-15-303
	30	13-13-116	91	Repealer
	31	13-13-117	92	Codification instruction
	32	13-13-201	93	Coordination instruction
	33	13-13-203	415	1 13-35-225
	34	13-13-205	416	1 20-25-321
	35	13-13-211 Replaced by sec. 93(2)(a), Ch. 414 (coordination section)	417	1 53-19-302
				2 53-19-306
				3 53-19-307
	36	13-13-212		4 53-19-310
	37	13-13-214 Replaced by sec. 93(2)(b), Ch. 414 (coordination section)		5 53-19-311
			418	6 Effective date
	38	13-13-222		1 61-9-426
				2 61-9-427
	39	13-13-229		3 Codification instruction
	40	13-13-231 Voided by sec. 93(3)(a), Ch. 414 (coordination section)		4 Saving clause
				5 Effective date
41	13-13-232 Voided by sec. 93(3)(b), Ch. 414 (coordination section)	419	1 13-35-225	
		420	1 46-9-503	
42	13-13-233		2 46-9-510	
43	13-13-234		3 Effective date	
44	13-13-241 Voided by sec. 93(3)(c), Ch. 414 (coordination section)	421	1 20-5-412	
			2 20-5-413	
45	13-13-244 Replaced by sec. 93(3)(d), Ch. 414 (coordination section)		3 Two-thirds vote required	
			4 Codification instruction	
46	13-14-115	422	1 16-4-801	
			2 Effective date	
47	13-14-116	423	1 69-3-803	
48	13-14-117		2 69-3-815	
49	13-14-118		3 Codification instruction	
50	13-14-212		4 Saving clause	

	5	Severability	3	19-2-303
	6	Effective date	4	19-2-403
424	1	Appropriation of cultural and	5	19-2-506
		aesthetic grant funds — priority of	6	19-2-603
		disbursement	7	19-2-702
	2	Appropriation of general fund	8	19-2-704
		money and cultural and aesthetic	9	19-2-706
		grant funds	10	19-2-708
	3	Reversion of grant money	11	19-2-709
	4	Reduction of grants	12	19-2-801
	5	Effective date	13	19-2-802
425	1	2-3-103	14	19-2-907
	2	Effective date	15	19-2-908
426	1	10-3-203	16	19-2-909
	2	10-3-312	17	19-2-1010
	3	Effective date	18	19-3-108
427	1	33-17-219	19	19-3-401
	2	33-17-220	20	19-3-403
	3	33-1-220	21	19-3-412
	4	33-26-108	22	19-3-503 Replaced by sec. 122(1),
	5	33-17-409		Ch. 429 (coordination section)
	6	33-2-305	23	19-3-504
	7	33-2-708 Replaced by sec. 25, Ch.	24	19-3-505
		427 (coordination section)	25	19-3-510
	8	33-7-525	26	19-3-511
	9	33-7-532	27	19-3-512
	10	33-17-102	28	19-3-513
	11	33-17-103	29	19-3-514
	12	33-17-201	30	19-3-521
	13	33-17-211	31	19-3-904
	14	33-17-212	32	19-3-906
	15	33-17-214	33	19-3-908
	16	33-17-301	34	19-3-1002
	17	33-17-502	35	19-3-1008
	18	33-17-503 Voided by sec. 54, Ch.	36	19-3-1015
		380 (coordination section)	37	19-3-1106
	19	33-17-504	38	19-3-1201
	20	33-17-1001	39	19-3-1202
	21	33-17-1002	40	19-3-1205
	22	33-17-1203	41	19-3-1210
	23	33-17-1205	42	19-3-1501
	24	33-17-1207	43	19-3-2103
	25	Coordination instruction	44	19-3-2111
	26	Codification instruction	45	19-3-2112
	27	Effective date — applicability	46	19-3-2113
428	1	61-1-142	47	19-3-2114
	2	61-8-813	48	19-3-2115
	3	61-8-814	49	19-3-2116
	4	61-1-134	50	19-3-2117
	5	61-1-135	51	19-3-2126
	6	61-5-102	52	19-3-2133
	7	61-5-107	53	19-3-2141
	8	61-5-110	54	19-5-101
	9	61-5-111	55	19-5-301
	10	61-5-112	56	19-5-409
	11	61-5-118	57	19-5-501
	12	61-5-212	58	19-5-502
	13	61-8-402	59	19-5-701
	14	61-8-802	60	19-6-101
	15	61-8-803	61	19-6-401
	16	61-8-804	62	19-6-502
	17	61-8-805	63	19-6-503
	18	61-8-806	64	19-6-601
	19	61-11-102	65	19-6-709
	20	Repealer	66	19-6-801 Replaced by sec. 122(2),
	21	Codification instruction		Ch. 429 (coordination section)
	22	Coordination instruction	67	19-6-803
	23	Applicability	68	19-6-804
429	1	19-2-715	69	19-6-805
	2	7-33-2313	70	19-7-101

71	19-7-301	2	Effective date
72	19-7-312	435 1	39-71-407
73	19-7-502	2	Effective date — applicability
74	19-7-601	436 1	15-16-102
75	19-7-801	2	76-3-207
76	19-7-803 Replaced by sec. 122(3), Ch. 429 (coordination section)	437 1	46-18-201
77	19-7-804 Replaced by sec. 122(4), Ch. 429 (coordination section)	2	61-5-214
78	19-7-805	3	Applicability
79	19-7-1001	438 1	45-5-206
80	19-8-101	439 1	76-2-117
81	19-8-301	2	Codification instruction
82	19-8-302	440 1	77-5-222
83	19-8-308	2	Effective date
84	19-8-604	441 1	61-5-127
85	19-8-701	2	2-6-109
86	19-8-801	3	3-15-301
87	19-8-901 Replaced by sec. 122(5), Ch. 429 (coordination section)	4	3-15-402
88	19-8-904	5	3-15-403
89	19-8-905	6	3-15-404
90	19-8-906	7	46-17-202
91	19-9-104	8	Codification instruction
92	19-9-301	9	Effective date
93	19-9-403 Replaced by sec. 122(6), Ch. 429 (coordination section)	10	Applicability
94	19-9-405	442 1	61-2-107
95	19-9-406	2	Coordination instruction
96	19-9-410	443 1	13-19-106
97	19-9-411	2	50-3-103
98	19-9-903	3	50-60-101
99	19-9-1202	4	50-60-102
100	19-9-1204	5	50-60-106
101	19-9-1205	6	50-60-107
102	19-9-1206	7	50-60-109
103	19-9-1207	8	50-60-110
104	19-9-1208	9	50-60-115
105	19-13-104	10	50-60-118
106	19-13-301	11	50-60-205
107	19-13-403 Replaced by sec. 122(7), Ch. 429 (coordination section)	12	50-60-211
108	19-13-405	13	50-60-212
109	19-13-406	14	50-60-213
110	19-13-701	15	50-60-301
111	19-13-704	16	50-60-302
112	19-13-803	17	50-60-303
113	19-13-1007	18	50-60-404
114	19-17-108	19	50-60-506
115	19-17-402	20	50-60-510
116	19-17-403	21	50-60-604
117	19-17-405	22	50-60-605
118	19-50-102	23	50-60-607
119	25-13-608	24	50-60-304
120	Repealer	25	Transition
121	Codification instruction	26	Repealer
122	Coordination instruction	27	Codification instruction
123	Effective date	28	Effective dates
430 1	7-8-2202	444 1	71-3-1205
2	76-6-109	2	71-3-1201
3	Effective date	3	71-3-1202
431 1	81-4-215	4	Codification instruction
2	Effective date	5	Saving clause
3	Applicability	6	Effective date
432 1	39-51-1218	445 1	80-4-711
2	39-51-2201	2	80-4-721
3	39-51-2204	3	Effective date
4	Effective date — applicability	446 1	30-10-324
433 1	87-2-105	2	30-10-325
434 1	50-15-107	447 1	75-7-103
		2	Effective date
		3	Retroactive applicability
		448 1	37-8-101
		2	37-8-102
		3	37-8-202

4	37-8-422	465	1	44-1-1101
5	Codification instruction	2	44-1-1102	
6	Instructions to code commissioner	3	46-9-302	
449	1 2-15-2217	4	46-9-401	
2	2-15-2218	5	61-5-214	
3	61-3-303 Voided by sec. 83(2), Ch. 477 (coordination section)	6	61-5-215	
4	Codification instruction	7	61-5-216 Replaced by sec. 8, Ch. 465 (coordination section)	
5	Effective date	8	Coordination instruction	
450	1 45-5-502	466	1 7-31-4110	
451	1 10-2-604	2	7-1-111	
2	Department of military affairs required to enter negotiations	3	7-3-1105	
3	10-2-601	4	7-3-1222	
4	70-30-102	5	7-5-201	
5	Appropriation	6	Codification instruction	
6	Codification instruction	7	Saving clause	
7	Coordination instruction	8	Effective date	
8	Effective date	467	1 18-2-403	
452	1 46-14-102	2	18-2-407	
2	46-14-103	3	Effective date — applicability	
3	46-14-206	468	1 75-5-201	
4	46-14-221	2	75-5-516	
5	46-14-311	3	82-4-310	
6	46-14-312	4	Effective date	
453	1 33-22-1501	469	1 76-3-621	
2	33-22-1502	470	1 3-10-301	
3	33-22-1513	2	3-10-601	
4	33-22-1516	3	75-7-123	
5	33-22-1524	4	Repealer	
6	Effective date	5	Effective date	
454	1 87-1-201	6	Retroactive applicability	
2	Effective date	471	1 7-1-120	
455	1 90-6-131	2	23-5-612	
2	90-6-133	3	Codification instruction	
3	90-6-134	4	Effective date	
4	Effective date	5	Applicability	
456	1 46-16-220	472	1 69-8-215	
2	Codification instruction	2	Codification instruction	
3	Saving clause	3	Nonseverability	
4	Severability	4	Effective date	
5	Effective date	5	Retroactive applicability	
6	Applicability	473	1 Appropriations for reclamation and development grants	
457	1 27-1-220	2	Approved grant projects	
458	1 41-3-102	3	Coordination of fund sources for grants program projects	
2	Effective date	4	Condition of grants	
459	1 82-4-336	5	Other appropriations	
2	Severability	6	Sec. 2, Ch. 419, L. 1999	
3	Effective date	7	Sec. 2, Ch. 232, L. 2001	
4	Retroactive applicability	8	Severability	
460	1 75-5-605	9	Effective date	
2	Effective date	474	1 50-57-101	
461	1 87-1-201	2	50-57-102	
2	Effective date	3	50-57-103	
3	Applicability	4	50-57-104	
462	1 13-37-216	5	50-57-105	
2	13-37-218	6	50-57-106	
3	13-37-229	7	50-57-107	
4	13-37-250	8	50-57-108	
5	Coordination instruction	9	50-57-109	
463	1 Repealer	10	50-57-110	
2	Saving clause	11	50-57-201	
3	Effective date — applicability	12	50-57-203	
464	1 39-71-604	13	50-57-205	
2	39-71-611	14	50-57-205	
3	39-71-612	15	50-57-206	
4	39-71-703	16	50-57-207	
5	50-16-527	17	50-57-208	
6	Effective date — applicability dates	18	50-57-209	

	19	50-57-210	3	61-1-603
	20	50-57-211	4	61-1-604
	21	50-57-212	5	61-3-216
	22	50-57-213	6	61-3-217
	23	50-57-301	7	61-3-218
	24	50-57-302	8	61-3-219
	25	50-57-305	9	61-3-220
	26	30-16-301	10	61-3-221
	27	50-2-118	11	61-3-222
	28	50-50-102	12	61-3-223
	29	50-50-106	13	61-3-224
	30	50-50-107	14	15-1-116
	31	50-50-108	15	15-1-117
	32	50-50-110	16	15-1-121
	33	Codification instruction	17	15-1-122
	34	Coordination instruction	18	23-2-502
	35	Effective dates	19	23-2-508
	36	Termination	20	23-2-513
475	1	13-1-101	21	23-2-601
	2	13-1-104	22	23-2-611
	3	13-1-301	23	23-2-614
	4	13-2-107	24	23-2-615
	5	13-2-108	25	23-2-616
	6	13-2-109	26	23-2-619
	7	13-2-110	27	23-2-622
	8	13-2-115	28	23-2-631
	9	13-2-116	29	23-2-634
	10	13-2-122	30	23-2-641
	11	13-2-123	31	23-2-642
	12	13-2-205	32	23-2-644
	13	13-2-220	33	23-2-801
	14	13-2-402	34	23-2-804
	15	13-2-513	35	23-2-814
	16	13-2-514	36	23-2-817
	17	13-2-601	37	23-2-818
	18	13-10-201	38	30-9-311
	19	13-10-211	39	31-1-816
	20	13-13-112	40	40-5-248
	21	13-13-114	41	61-1-102
	22	13-13-601	42	61-1-509
	23	13-13-602	43	61-3-101
	24	13-13-603	44	61-3-103
	25	13-13-201	45	61-3-435
	26	13-13-204	46	61-3-106
	27	13-13-205	47	61-3-107
	28	13-13-212 Voided by sec. 25, Ch. 557 (coordination section)	48	61-3-109
	29	13-13-213 Voided by sec. 5(2), Ch. 367 (coordination section)	49	61-3-201
	30	13-13-214	50	61-3-202
	31	13-13-232	51	61-3-203 Replaced by sec. 83(1)(c), Ch. 477 (coordination section)
	32	13-13-241	52	61-3-204 Replaced by sec. 83(1)(d), Ch. 477 (coordination section)
	33	13-13-301	53	61-3-205
	34	13-14-112	54	61-3-206
	35	13-14-113	55	61-3-207
	36	13-15-107	56	61-3-208
	37	13-15-111	57	61-3-210
	38	13-15-401	58	61-3-211
	39	13-15-402	59	61-3-212
	40	13-19-313	60	61-3-303 Voided by sec. 47(2)(a), Ch. 592 (coordination section), replaced by sec. 83(2), Ch. 477 (coordination section)
	41	13-22-107	61	61-3-311 Voided by sec. 47(2)(b), Ch. 592 (coordination section)
	42	13-27-410	62	61-3-312
	43	13-37-250	63	61-3-317
	44	Repealer	64	61-3-322
	45	Codification instruction	65	61-3-342
	46	Effective date	66	61-3-411
476	1	15-10-420		
	2	Effective date		
477	1	61-1-601		
	2	61-1-602		

67	61-3-412	486	1	39-71-736
68	61-3-456		2	Effective date — applicability
69	61-3-519	487	1	7-4-2503
70	61-3-562	488	1	2-15-2107
71	61-3-603		2	Effective date
72	61-3-701	489	1	27-1-710
73	61-4-104		2	Saving clause
74	61-4-111		3	Severability
75	61-4-112		4	Effective date
76	61-4-120		5	Applicability
77	61-4-121	490	1	69-14-1205
78	61-12-406		2	Repealer
79	75-10-512		3	Effective date
80	75-10-513	491	1	2-15-1205
81	Repealer		2	10-2-102
82	Codification instruction		3	10-2-112
83	Coordination instruction		4	10-2-113
84	Effective date		5	10-2-114
85	Applicability — retroactive		6	10-2-115
	applicability		7	10-2-106
478	1 2-15-1870		8	10-2-601
	2 2-15-2204 (renum. 2-15-1869)		9	10-2-602
	3 53-20-206		10	10-2-603
	4 Codification instruction		11	15-30-154
	5 Instructions to code commissioner		12	15-1-122
	6 Effective date		13	61-3-321
479	1 20-7-401		14	Implementation
	2 20-7-436		15	Notification to tribal governments
	3 Notification of code commissioner		16	Codification instruction
	required		17	Effective date
	4 Contingent effective date	492	1	20-9-371
480	1 70-9-802		2	20-9-403
	2 Effective date		3	20-9-406
481	1 15-35-108		4	20-9-408
	2 17-7-502		5	20-9-422
	3 Sec. 10, Ch. 10, Special L. May		6	20-9-423
	2000		7	20-9-426
	4 Coordination instruction		8	20-9-427
	5 Effective date		9	20-9-430
	6 Termination		10	20-9-433
482	1 33-20-701		11	20-9-437
	2 33-20-702		12	20-9-438
	3 33-20-703		13	20-9-439
	4 33-20-704		14	20-9-440
	5 33-20-705		15	20-9-472
	6 15-30-121		16	Codification instruction
	7 15-30-165		17	Effective date — applicability
	8 15-31-114	493	1	33-17-1005
	9 Codification instruction		2	30-10-103
	10 Effective date		3	33-1-315
	11 Applicability		4	33-1-318
483	1 85-2-708		5	33-3-401
	2 Notification to tribal governments		6	33-17-1004
	3 Effective date		7	33-20-1302
484	1 72-34-601		8	33-20-1315
	2 72-34-602		9	52-3-803
	3 72-34-603		10	52-3-825 Voided by sec. 3, Ch. 350,
	4 72-34-605			and sec. 12, Ch. 493 (coordination
	5 72-34-606			sections)
	6 72-34-607		11	Codification instruction
	7 72-34-608		12	Coordination instruction
	8 72-34-609		13	Effective date
	9 72-34-610		14	Applicability
	10 72-34-113	494	1	Time limits
	11 72-34-114		2	Appropriations — authorization to
	12 Repealer			expend money
	13 Codification instruction		3	Effective date
	14 Instruction to code commissioner	495	1	Time limits
485	1 22-3-1002		2	Appropriations
	2 Effective date		3	Appropriation

	4	Notification to tribal governments	30	52-2-603
	5	Effective date	31	76-2-411
	6	Retroactive applicability	32	76-2-412
496	1	15-38-106	33	Repealer
	2	75-10-621	34	Notification to tribal governments
	3	75-10-622	35	Directions to code commissioner
	4	75-10-623	505	1 15-6-138
	5	75-10-631	2	Effective date — transition
	6	Codification instruction	506	1 72-34-421
	7	Effective date	2	72-34-422
497	1	90-4-602	3	72-34-423
	2	90-4-614	4	72-34-424
	3	Appropriation of bond proceeds	5	72-34-425
	4	Approval of energy conservation projects — definition	6	72-34-426
	5	Bond authorization	7	72-34-427
	6	Two-thirds vote required	8	72-34-428
	7	Effective date	9	72-34-429
498	1	3-1-317	10	72-34-430
	2	Sec. 4, Ch. 361, L. 1995	11	72-34-431
	3	Sec. 1, Ch. 71, L. 1999	12	72-34-432
	4	Effective date	13	72-34-433
	5	Termination	14	72-34-434
499	1	87-2-101	15	72-34-435
	2	87-3-111	16	72-34-436
	3	87-3-402	17	72-34-437
	4	87-4-503	18	72-34-438
	5	87-4-522	19	72-34-439
	6	87-4-524	20	72-34-440
	7	87-4-526	21	72-34-441
	8	87-4-901	22	72-34-442
	9	Effective date	23	72-34-443
500	1	33-5-201	24	72-34-444
501	1	33-15-1101	25	72-34-445
	2	33-15-1108	26	72-34-446
	3	Codification instruction	27	72-34-447
502	1	2-18-1203	28	72-34-448
	2	Effective date	29	72-34-449
503	1	2-15-1027	30	72-34-450
	2	Codification instruction	31	72-34-451
	3	Effective date	32	72-34-452
504	1	41-3-101	33	72-34-453
	2	41-3-102	34	Repealer
	3	41-3-103	35	Codification instruction
	4	41-3-113	36	Coordination instruction
	5	41-3-205	507	1 Identification of association contract holders and employees for free reservoir access Voided by sec. 4, Ch. 507 (coordination section)
	6	41-3-301		23-1-105 Voided by sec. 4, Ch. 507 (coordination section)
	7	41-3-422	3	Codification instruction Voided by sec. 4, Ch. 507 (coordination section)
	8	41-3-427	4	Coordination instruction
	9	41-3-432	5	Effective date Voided by sec. 4, Ch. 507 (coordination section)
	10	41-3-434	508	1 7-33-2401
	11	41-3-437	2	7-33-2404
	12	41-3-438	3	Saving clause
	13	41-3-442	509	1 69-8-419
	14	41-3-445	2	69-8-420
	15	41-3-604	3	69-8-421
	16	41-3-607	4	69-1-114
	17	41-3-609	5	69-8-210
	18	41-3-611	6	Codification instruction
	19	41-3-1008	7	Coordination instruction
	20	42-1-103	8	Effective date
	21	42-3-212	9	Applicability
	22	42-6-102	510	1 3-10-601
	23	42-6-109	2	25-9-302
	24	50-16-535		
	25	50-16-536		
	26	50-16-603		
	27	50-16-605		
	28	52-2-115		
	29	52-2-602		

3	25-9-303	3	Codification instruction —
4	25-13-402		direction to code commissioner
5	25-30-102		20-9-630 (Sec. 244, Ch. 574, L.
6	27-1-717		2001)
7	46-17-303	4	Effective date
8	46-19-102	519 1	15-30-111
9	53-2-607	2	Effective date
511 1	15-1-402	3	Retroactive applicability
2	Effective date	520 1	Art. IV, sec. 8, Mont. Const
3	Retroactive applicability	2	Effective date
512 1	33-20-505	3	Submission to electorate
2	Effective date	521 1	15-1-501
3	Applicability	2	15-31-121
4	Termination	3	15-31-322
513 1	53-21-193	4	15-31-323
2	53-21-194	5	15-31-324
3	53-21-102	6	15-31-326
4	53-21-120	7	Applicability
5	53-21-127	522 1	15-36-331 Replaced by sec. 18, Ch.
6	53-21-128		522 (coordination section)
7	53-21-129	2	15-36-332
8	53-21-138	3	7-1-2111
9	Codification instruction	4	15-1-501
10	Severability	5	15-36-304
11	Effective date	6	15-36-314
514 1	Sec. 17, Ch. 293, L. 2001	7	15-36-315
2	Effective date	8	15-38-113
3	Applicability	9	15-38-202
515 1	15-53-129	10	17-7-502
2	15-53-130	11	75-10-743
3	15-53-131	12	76-15-904
4	15-53-132	13	82-11-135
5	Codification instruction	14	85-2-905
6	Effective date	15	90-2-1104
7	Applicability	16	Repealer
8	Contingent termination	17	Codification instruction
516 1	32-9-101	18	Coordination instruction
2	32-9-102	19	Saving clause
3	32-9-103	20	Effective date
4	32-9-104	21	Retroactive applicability
5	32-9-108	523 1	7-5-2301
6	32-9-109	2	Effective date
7	32-9-110	524 1	15-6-225
8	32-9-111	2	15-32-104
9	32-9-115	3	15-32-109
10	32-9-116	4	15-32-402
11	32-9-117	5	Coordination instruction
12	32-9-118	6	Effective date
13	32-9-121	7	Retroactive applicability
14	32-9-122	525 1	7-15-4293
15	32-9-123	2	Effective date
16	32-9-124	3	Termination
17	32-9-125	526 1	7-5-4301
18	32-9-126	527 1	69-14-620
19	32-9-130	2	61-8-347
20	32-9-131	3	69-14-562
21	32-9-132	4	69-14-610
22	32-9-133	5	Codification instruction
23	Codification instruction	6	Effective date
24	Effective date	528 1	50-50-102
517 1	10-3-1217	2	50-50-103
2	Effective date	3	50-50-202
518 1	Sec. 26, Ch. 13, Special L. August	4	50-50-205
	2002	5	50-50-205
	20-9-631 (Sec. 245, Ch. 574, L.	6	50-50-301
	2001)	7	Effective dates
2	Sec. 27, Ch. 13, Special L. August	8	Termination
	2002	529 1	2-9-212
	20-9-632 (Sec. 246, Ch. 574, L.	2	2-18-703
	2001)	3	Transition

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	4	Coordination instruction	6	87-5-701
	5	Effective date	7	87-5-702
	6	Retroactive applicability	8	87-5-704
530	1	Attorney general to analyze state delisting options and possible litigation scenarios for recovery of damages and costs associated with wolf reintroduction	9	87-5-712
	2	Effective date	10	87-5-716
531	1	15-67-101	11	Codification instruction
	2	15-67-102	12	Effective date
	3	15-67-201	537	1 2-15-213 (renum. 2-15-3330)
	4	15-67-202	2	Instruction to code commissioner
	5	15-67-203	3	Effective date
	6	15-67-204	4	Termination
	7	15-67-205	538	1 60-1-210
	8	15-67-206	2	60-2-242
	9	15-67-207	3	Codification instruction
	10	15-67-208	539	1 90-3-1001
	11	15-67-209	2	90-3-1002
	12	15-67-103	3	90-3-1003
	13	15-67-104	4	Effective date
	14	53-6-1101(1)	540	1 61-8-303
	15	Appropriation Replaced by sec. 18(3), Ch. 531 (coordination section)	2	Effective date
	16	Codification instruction	541	1 15-60-102
	17	Contingent voidness	2	15-60-211
	18	Coordination instruction	3	Appropriation
	19	Severability	4	Codification instruction
	20	Effective date	5	Effective date
	21	Retroactive applicability	542	1 22-3-1003
532	1	15-60-101	2	22-3-1004
	2	15-60-210	3	Transfer of title
	3	Appropriation Voided and replaced by sec. 4, Ch. 532 (contingent appropriation)	4	Effective date
	4	Contingent appropriation	543	1 76-4-121
	5	Coordination	2	Effective date
	6	Contingent voidness	544	1 Short title
	7	Effective date	2	15-68-101
533	1	61-3-415	3	15-68-102
	2	17-7-502	4	15-68-103
	3	61-11-105	5	15-68-106
	4	61-11-503	6	15-68-107
	5	61-11-509	7	15-68-110
	6	61-11-510	8	15-68-201
	7	Codification instruction	9	15-68-202
	8	Effective dates	10	15-68-206
534	1	10-3-801	11	15-68-207
	2	15-1-122	12	15-68-208
	3	23-2-517 Voided by sec. 47(3)(b), Ch. 592 (coordination section)	13	15-68-209
	4	23-2-615 Voided by sec. 3, Ch. 591 (coordination section)	14	15-68-210
	5	23-2-616 Voided by sec. 47(3)(b), Ch. 592 (coordination section)	15	15-68-211
	6	23-2-803 Voided by sec. 47(3)(b), Ch. 592 (coordination section)	16	15-68-212
	7	87-1-601	17	15-68-506
	8	87-2-202	18	15-68-401
	9	Codification instruction	19	15-68-402
	10	Effective dates	20	15-68-405
535	1	15-70-522	21	15-68-410
	2	Effective date	22	15-68-411
536	1	87-5-705	23	15-68-501
	2	87-5-706	24	15-68-502
	3	87-5-707	25	15-68-505
	4	87-5-708	26	15-68-510
	5	87-5-709	27	15-68-512
			28	15-68-513
			29	15-68-514
			30	15-68-516
			31	15-68-517
			32	15-68-520
			33	15-68-525
			34	15-68-801
			35	15-68-805
			36	15-68-808
			37	15-68-811
			38	15-68-815
			39	15-68-820

40	15-30-183	11	Sec. 25, Ch. 13, Special L. August 2002
41	13-37-218 Voided by sec. 5, Ch. 462 (coordination section)		20-9-630 (Sec. 244, Ch. 574, L. 2001)
42	15-30-101	12	Sec. 26, Ch. 13, Special L. August 2002
43	15-30-103		20-9-631 (Sec. 245, Ch. 574, L. 2001)
44	15-30-112	13	Repealer
45	15-30-121	14	Extension of school election deadlines
46	15-30-122	15	Restrictions on retirement fund for fiscal year 2004
47	15-30-124	16	Codification instruction
48	15-30-142	17	Effective dates — applicability
49	16-11-111	18	Retroactive applicability
50	16-11-114	19	Termination
51	16-11-119	551	1 53-6-1001
52	16-11-201	2	53-6-1002
53	16-11-202	3	53-6-1003
54	16-11-206	4	53-6-1010
55	Transition	5	53-6-1011
56	Notification to tribal governments	6	53-6-1012
57	Codification instruction	7	53-6-1013
58	Coordination instruction	8	Loan for startup costs
59	Saving clause	9	Codification instruction
60	Severability	10	Severability
61	Effective dates	11	Contingent voidness
62	Applicability	12	Effective date
545	1 15-30-111	13	Termination
2	Effective date	552	1 2-18-301
3	Applicability	2	2-18-303
546	1 5-1-115	3	2-18-312
2	5-1-101 Voided by sec. 11(1), Ch. 546 (coordination section)	4	2-18-313
3	5-1-102 Voided by sec. 11(1), Ch. 546 (coordination section)	5	2-18-315
4	5-1-106 Voided by sec. 11(1), Ch. 546 (coordination section)	6	2-18-703
5	5-1-108 Voided by sec. 11(1), Ch. 546 (coordination section)	7	Appropriation
6	5-1-109 Voided by sec. 11(1), Ch. 546 (coordination section)	8	Effective date
7	5-1-111 Voided by sec. 11(1), Ch. 546 (coordination section)	553	1 87-1-321
8	Sec. 1, Ch. 4, L. 2003 Voided by sec. 11(1), Ch. 546 (coordination section)	2	87-1-322
9	Repealer Voided by sec. 11(1), Ch. 546 (coordination section)	3	87-1-323
10	Codification instruction	4	87-1-324
11	Coordination instruction — contingent repealer	5	87-1-325
12	Applicability	6	87-1-201
547	1 17-7-138	7	87-1-301
2	Effective date	8	87-2-104
3	Applicability	9	87-2-501
548	1 K-12 public school renewal commission	10	87-2-513
2	Appropriation	11	Codification instruction
3	Effective date	12	Notification to tribal governments
549	1 70-22-105	13	Effective date
2	70-22-109	554	1 53-21-127
3	76-3-201	2	53-21-128
4	76-3-404	3	53-21-414
550	1 20-9-326	555	1 41-3-102
2	20-9-306	2	41-3-202
3	20-9-306	3	41-3-301
4	20-9-366	4	41-3-302
5	20-9-370	5	41-3-423
6	20-9-371	6	41-3-424
7	20-9-501	7	Codification instruction
8	20-9-542	556	1 61-2-302
9	20-10-101	2	61-5-107
10	20-10-141	3	61-5-205
		4	61-5-206
		5	61-5-208 Replaced by sec. 15(8), Ch. 556 (coordination section)
		6	61-5-212
		7	61-7-103
		8	61-8-402

	9	61-8-409	561	1	7-1-111
	10	61-8-734		2	7-21-3322
	11	61-11-203		3	7-32-4304
	12	61-11-204		4	53-21-138
	13	61-13-104		5	Effective date
	14	61-5-219		6	Retroactive applicability
	15	Coordination instruction	562	1	17-5-1608
	16	Effective date		2	17-5-2001
557	1	13-21-101		3	23-2-508 Voided by sec. 83(1)(a), Ch. 477 (coordination section)
	2	13-21-102		4	23-2-611 Voided by sec. 83(1)(a), Ch. 477 (coordination section)
	3	13-21-103		5	23-2-811 Voided by sec. 83(1)(a), Ch. 477 (coordination section)
	4	13-21-210		6	61-3-103
	5	13-21-211		7	61-3-203 Voided by sec. 83(1)(a), Ch. 477 (coordination section)
	6	13-21-212		8	61-3-204
	7	13-21-213		9	61-3-550 Replaced by sec. 12(2), Ch. 562 (coordination section)
	8	13-2-124		10	Sec. 5, Ch. 394, L. 2001
	9	13-13-270		11	Sec. 9, Ch. 394, L. 2001 Voided by sec. 12(1), Ch. 562 (coordination section)
	10	13-2-212 (renum. 13-21-201)		12	Coordination instruction
	11	13-2-214 (renum. 13-21-202)		13	Effective date
	12	13-2-215 (renum. 13-21-203)		14	Retroactive applicability
	13	13-13-211 Voided by sec. 93(2)(a), Ch. 414 (coordination section)		15	Termination
	14	13-13-212 Replaced by sec. 25, Ch. 557 (coordination section)	563	1	76-3-201
	15	13-13-213		2	76-3-207
	16	13-13-214 Voided by sec. 93(2)(b), Ch. 414 (coordination section)		3	Effective date
	17	13-13-229	564	1	18-2-409
	18	13-13-271 (renum. 13-21-204)		2	Effective date — applicability
	19	13-13-272 (renum. 13-21-205)	565	1	5-5-202
	20	13-13-273 (renum. 13-21-206)		2	5-5-223
	21	13-13-277 (renum. 13-21-207)		3	5-5-230
	22	13-13-278 (renum. 13-21-104)		4	35-19-104
	23	Repealer		5	69-8-102
	24	Codification instruction		6	69-8-103
	25	Coordination instruction		7	69-8-104
558	1	61-5-111		8	69-8-201
	2	61-5-114		9	69-8-203
	3	61-5-121		10	69-8-204
	4	Effective date		11	69-8-208
559	1	2-15-2302		12	69-8-210 Voided by sec. 7, Ch. 509 (coordination section)
	2	46-23-103		13	69-8-211
	3	46-23-104		14	69-8-301
	4	46-23-109		15	69-8-402
	5	46-23-201		16	69-8-403
	6	46-23-202		17	69-8-408
	7	46-23-215		18	69-8-409
	8	46-23-216		19	69-8-503
	9	46-23-218		20	Repealer
	10	46-23-1025		21	Codification instruction
	11	46-24-212		22	Saving clause
	12	Repealer		23	Severability
	13	Saving clause		24	Effective date
	14	Severability	566	1	15-30-604
	15	Transition		2	15-62-103
	16	Interim report		3	15-62-201
	17	Effective dates		4	15-62-203
560	1	10-3-1301		5	15-62-206
	2	10-3-1302		6	15-62-207
	3	10-3-1303		7	20-25-901
	4	10-3-1304		8	20-25-902
	5	10-3-1305		1	39-11-101
	6	10-3-1306		2	39-11-102
	7	10-3-1307		3	39-11-103
	8	10-3-1308	567	4	39-11-201
	9	10-3-1309			
	10	10-3-1310			
	11	Codification instruction			
	12	Severability			
	13	Effective date			

5	39-11-202	3	Effective date
6	39-11-203	581 1	75-7-111
7	39-11-204	2	75-7-112
8	Codification instruction	3	75-7-113
9	Effective date — applicability	4	75-7-116
10	Termination	5	75-7-117
568 1	2-15-141	6	75-7-121
2	2-15-142	582 1	7-21-3701
3	2-15-143	2	7-21-3702
4	Codification instruction	3	7-21-3703
5	Notification to tribal governments	4	7-21-3704
569 1	22-2-601	5	7-21-3710
2	Notification to tribal governments	6	15-30-182
3	Effective date	7	15-31-134
570 1	69-3-308	8	33-2-724
2	69-3-302	9	7-21-3715
3	69-3-303	10	Codification instruction
4	Codification instruction	583 1	3-1-130
5	Effective date	2	3-5-604
571 1	7-4-2636	3	3-5-901
2	7-4-2637	4	3-5-902
3	7-4-2631	5	41-5-111
4	Codification instruction	6	46-8-202
5	Effective date	7	53-21-116
572 1	5-7-102	8	53-21-132
2	5-7-103	9	3-1-1610
3	5-7-105	10	Sec. 57, Ch. 585, L. 2001
4	5-7-208	11	Coordination instruction
5	5-7-112	12	Effective date
6	Notification to tribal governments	13	Retroactive applicability
7	Coordination	584 1	70-16-701
8	Codification instruction	2	70-16-702
9	Saving clause	3	70-16-703
10	Effective date	4	Effective date
11	Retroactive applicability	585 1	3-5-901
573 1	40-5-225	2	Coordination instruction
2	Effective date	3	Effective date
574 1	85-2-302	586 1	Definitions
2	85-2-308	2	Capital projects appropriations
3	Notification to tribal governments	3	Capital improvements
575 1	53-1-402	4	Land acquisition appropriations
2	53-1-602	5	Dams
3	53-20-102	6	Transfer of funds
4	53-1-210	7	Capital land grant revenue
5	Transition	8	Planning and design
6	Repealer	9	Capital projects — contingent funds
7	Codification instruction	10	Review by department of environmental quality
8	Effective date	11	Sale of old Dillon armory
576 1	53-1-610	12	Legislative consent
2	53-1-611	13	Severability
3	53-1-612	14	Effective date
4	17-2-108	587 1	Appropriations from treasure state endowment special revenue account
5	53-6-101	2	Approval of grants — completion of appropriation
6	Codification instruction	3	Conditions and manner of disbursement of grant funds
7	Effective date	4	Appropriations from treasure state endowment regional water system special revenue account
577 1	15-1-101	5	Approval of funds — completion of appropriation
2	15-6-201	6	Conditions and manner of disbursement of funds
3	15-6-207	7	Appropriations from treasure state endowment special revenue account for emergency grants
4	Repealer		
5	Sec. 31, Ch. 285, L. 1999		
578 1	Study of independent contractor exemption		
2	Effective date		
579 1	7-32-2222		
2	7-32-2245		
3	7-32-2224		
4	Codification instruction		
5	Effective date		
580 1	75-10-250		
2	Codification instruction		

8	Sec. 1, Ch. 213, L. 1995	43	61-3-535
9	Repealer	44	61-3-560
10	Notification to tribal governments	45	61-3-570
11	Effective dates	46	Repealer
588	1 39-71-2352	47	Coordination instruction
	2 Transfer of excess reserves	48	Codification instruction
	3 Effective date	49	Effective date
589	1 30-14-1601	50	Applicability
	2 30-14-1602	593	1 Sec. 1, Ch. 5, L. 2003
	3 30-14-1603		15-7-139
	4 30-14-1604	2	Effective date
	5 30-14-1605	594	1 15-70-101
	6 30-14-1606	2	Effective date
	7 Codification instruction	595	1 46-14-101
	8 Effective date	2	Coordination instruction
590	1 53-20-171	596	1 77-1-815
	2 15-30-187	2	70-16-302
	3 Codification instructions	3	77-1-106
	4 Effective date	4	77-1-801
	5 Retroactive applicability	5	77-1-802
	6 Termination	6	77-1-808
591	1 23-2-614	7	87-2-202
	2 23-2-615 Replaced by sec. 3, Ch.	8	Contingent voidness
	591 (coordination section)	9	Codification instruction
	3 Coordination instruction	10	Coordination instruction
	4 Effective date	11	Severability
592	1 61-1-515	12	Effective date
	2 15-1-122	597	1 15-1-140
	3 15-16-202	2	15-1-501
	4 23-2-502	3	17-5-1608
	5 23-2-510	4	17-5-2001
	6 23-2-511	5	15-1-141
	7 23-2-512	6	39-51-301
	8 23-2-513	7	39-51-1109
	9 23-2-514	8	39-51-1109
	10 23-2-515	9	39-51-1301
	11 23-2-516	10	39-51-2402
	12 23-2-517	11	Deposit of loan proceeds — capital
	13 23-2-518		projects appropriation
	14 23-2-519	12	Appropriation
	15 23-2-601	13	Codification instruction
	16 23-2-612	14	Severability
	17 23-2-614	15	Saving clause
	18 23-2-616	16	Effective dates — contingency
	19 23-2-617	17	Contingent termination
	20 23-2-626	18	Termination
	21 23-2-642	598	1 Study committee
	22 23-2-803	2	Study of role and possible sale of
	23 23-2-804		state compensation insurance fund
	24 23-2-807		— separate determinations —
	25 23-2-809		submission of legislation —
	26 23-2-817		legislative approval
	27 61-1-129	3	Effective date
	28 61-3-303 Replaced by sec. 47(2)(a),	599	1 76-1-103
	Ch. 592 (coordination section)	2	76-1-106
	29 61-3-311 Replaced by sec. 47(2)(b),	3	76-1-306
	Ch. 592 (coordination section)	4	76-1-601
	30 61-3-312	5	76-1-603
	31 61-3-313	6	76-1-604
	32 61-3-317	7	76-1-605
	33 61-3-321	8	76-2-201
	34 61-3-332	9	76-2-310
	35 61-3-333	10	76-3-210
	36 61-3-463	11	76-3-504
	37 61-3-474	12	76-3-505
	38 61-3-521	13	76-4-122
	39 61-3-523	14	76-4-127
	40 61-3-526	15	Coordination instruction
	41 61-3-527	16	Effective date
42	61-3-530	600	1 69-8-210

601	2	Effective date	6	Extension of 2003 deadlines relating to property taxation
	1	15-1-122	7	Interim property tax reappraisal and tax reform study committees
	2	23-1-105	8	Appropriation
	3	61-3-321	9	Codification instruction
602	4	Saving clause	10	Coordination instruction
	5	Severability	11	Severability
	6	Effective date	12	Effective dates
	1	53-21-1001	13	Applicability
603	2	53-21-1001	14	Termination
	3	53-21-1002	607	1 17-1-111
	4	53-21-1006	2	17-7-102
	5	53-21-1007	3	17-7-131
604	6	53-21-1010	4	17-7-140
	7	53-21-1011	608	1 17-6-606
	8	53-21-1012	2	53-6-1101
	9	Policy directive on transition to service area authorities	3	Fund transfer
605	10	19-3-108	4	Appropriations from prevention and stabilization account
	11	53-1-602	5	Codification instruction
	12	53-6-101	6	Coordination instruction
	13	53-21-104	7	Effective date
606	14	53-21-138	8	Termination
	15	Agreements with federal government pertaining to medicaid funding of services — legislative intent	609	1 15-32-404
	16	Repealer	2	17-5-1506
	17	Codification instruction	3	17-5-1527
607	18	Saving clause	4	Repealer
	19	Effective dates	5	Effective dates
	20	Termination	610	1 61-3-550
	1	39-71-2316	2	Fund transfer
608	2	39-71-2320	3	Effective date
	3	39-71-2322	4	Termination
	4	39-71-2327	611	1 45-5-624
	5	Effective date	2	61-2-302
609	6	Applicability	612	1 Short title
	1	87-2-730	2	First level expenditures
	2	81-2-120	3	Severability
	3	87-1-216	4	Appropriation control
610	4	87-2-701	5	Program definition
	5	Codification instruction	6	Personal services funding — 2007 biennium
	6	Effective date	7	Approved original operating budget
	1	16-4-109	8	Contingent voidness
611	2	Effective Date	9	Statewide FTE reduction
	3	Applicability	10	Contingent voidness
	1	15-6-193	11	Totals not appropriations
	2	15-6-193	12	Effective date
612	3	15-6-134	13	Appropriations
	4	15-6-201	14	Rates
	5	15-7-111		

2002 BALLOT ISSUES

Constitutional Amendments

<u>C.A.</u>	<u>Sec.</u>	<u>MCA</u>
37	1	Art. III, sec. 7, Mont. Const.
	2	Art. XIV, sec. 9, Mont. Const.
	3	Submission to electorate
38	1	Art. III, sec. 4, Mont. Const.
	2	Art. III, sec. 7, Mont. Const.
	3	Submission to electorate

Initiative Referendum

IR 117 rejected House Bill 474 (Ch. 577, L. 2001), which was passed by the 57th Legislature during the 2001 regular legislative session.

Please refer to the 2001 Laws of Montana (Session Laws) to see where Ch. 577 was codified.

Initiative

<u>Init.</u>	<u>Sec.</u>	<u>MCA</u>
146	1	17-6-602
	2	17-6-606
	3	17-6-610
	4	53-4-1011
	5	Codification instruction
	6	Severability
	7	Effective date

SESSION LAWS
Enacted by the
FIFTY-SEVENTH LEGISLATURE
IN SPECIAL SESSION

Held at Helena, the Seat of Government
Au gust 5, 2002, through Au gust 10, 2002

Ex plan a tory Note: Sec tion 5-11-205, MCA, pro vides that
new parts of ex ist ing stat utes be printed in ital ics and
that de leted pro vi sions be shown as stricken.

COM PILED BY MONTANA
LEGISLATIVE SERVICES DIVISION

**OFFICERS AND MEMBERS
OF THE MONTANA SENATE
2002**

50 Members

31 Republicans

19 Democrats

OFFICERS

President Tom Beck
 President Pro Tempore Walt McNutt
 Majority Floor Leader Fred Thomas
 Minority Floor Leader Steve Doherty
 Minority Whips Linda Nelson, Jon Tester
 Secretary of the Senate Rosana Skelton

MEMBERS

Name	Preferred Mailing Address	Dist No	Party
Beck, Tom	792 Yellowstone Trl, Deer Lodge MT 59722-8704	28	R
Berry, Dorothy	852 Pon der osa Dr, Ham il ton MT 59840-9121	30	R
Bishop, Al	3020 Leeann Blvd, Bill ings MT 59102-0442	09	R
Bohlinger, John	2233 Remington Sq, Bill ings MT 59102-2489	07	R
Butcher, Ed ward B. 'Ed'	PO Box 89, Winifred MT 59489-0089	47	R
Christiaens, B.F. 'Chris'	PO Box 2871, Great Falls MT 59403-2871	23	D
Cobb, John	PO Box 388, Augusta MT 59410-0388	25	R
Cocchiarella, Vicki	535 Livingston Ave, Missoula MT 59801-8003	32	D
Cole, Mack	PO Box 286, Hysham MT 59038-0286	04	R
Crismore, Wil liam S. 'Bill'	237 Air field Rd, Libby MT 59923-8600	41	R
DePratu, Bob	PO Box 1217, Whitefish MT 59937-1217	40	R
Doherty, Steve	1531 3rd Ave SW, Great Falls MT 59404-2715	24	D
Ekegren, E.P. 'Pete'	PO Box 862, Choteau MT 59422-0862	44	R
Ellingson, Jon	430 Ryman St, Missoula MT 59802-4249	33	D
Elliott, Jim	100 Trout Creek Rd, Trout Creek MT 59874-9609	36	D
Ellis Jr., Alvin A.	HC 50 Box 4840, Red Lodge MT 59068-9724	12	R
Franklin, Eve	2707 Dawn Dr, Great Falls MT 59404-3633	21	D
Glaser, Wm. E 'Bill'	1402 In dian Creek Rd, Hunt ley MT 59037	08	R
Grimes, Duane	4 Hole In The Wall, Clancy MT 59634-9516	20	R
Grosfield, Lorents	285 Grosfield Ln, Big Tim ber MT 59011-7724	13	R
Halligan, Mike	PO Box 9121, Missoula MT 59807-9121	34	D
Hargrove, Don	PO Box 1, Bel grade MT 59714-0001	16	R
Har rington, Dan W.	1201 N Ex cel sior Ave, Butte MT 59701-8505	19	D
Holden, Ric	164 Road 253, Glendive MT 59330-9438	01	R
Jergeson, Greg	PO Box 1568, Chi nook MT 59523-1568	46	D
John son, Royal C.	2915 Il li nois St, Bill ings MT 59102-0814	05	R
Keenan, Bob	PO Box 697, Bigfork MT 59911-0697	38	R
Kitzenberg, Sam	130 Bonnie St Apt 1, Glas gow MT 59230-2101	48	R
Mahlum, Dale	10955 US High way 93 N, Missoula MT 59808-9227	35	R
McCarthy, Bea	1906 Ogden St, An a conda MT 59711-1706	29	D
McNutt, Wal ter L.	110 12th Ave SW, Sid ney MT 59270-3614	50	R
Miller, Ken	PO Box 186, Lau rel MT 59044-0186	11	R
Mohl, Arnie A.	3303 US High way 2 E, Kalispell MT 59901-6680	39	R
Nel son, Linda J.	469 Grif fin Rd, Med i cine Lake MT 59247-9708	49	D
O'Neil, Jerry	985 Walsh Rd, Co lum bia Falls MT 59912-9044	42	R
Pease, Ger ald	PO Box 556, Lodge Grass MT 59050-0556	03	D
Roush, Glenn A.	PO Box 185, Cut Bank MT 59427-0185	43	D
Ryan, Don	2101 7th Ave S, Great Falls MT 59405-2821	22	D

MONTANA SESSION LAWS AUGUST 2002

3060

Shea, Debbie	100 Moon Ln, Butte MT 59701-3975	18	D
Sprague, Mike	174 Erickson Ct S, Billings MT 59105-2347	06	R
Stapleton, Corey	3614 Crater Lake Ave, Billings MT 59102-7732	10	R
Stonington, Emily	15042 Kelly Canyon Rd, Bozeman MT 59715-9625	15	D
Tash, Bill	240 Vista Dr, Dillon MT 59725-3111	17	R
Taylor, Mike	PO Box 152, Proctor MT 59929-0152	37	R
Tester, Jon	709 Son Ln, Big Sandy MT 59520-8443	45	D
Thomas, Fred	3566 Holly Ln, Stevensville MT 59870-6634	31	R
Toole, Ken	PO Box 1462, Helena MT 59624-1462	27	D
Waterman, Mignon	530 Hazelgreen Ct, Helena MT 59601-5410	26	D
Wells, Jack	150 Coulee Dr, Bozeman MT 59715-7717	14	R
Zook, Tom	HC 40, Miles City MT 59301-9806	02	R

**OFFICERS AND MEMBERS
OF THE MONTANA HOUSE OF REPRESENTATIVES
2002**

100 Members

57 Republicans

1 Independent

42 Democrats

OFFICERS

Speaker Dan McGee
 Speaker Pro Tempore Doug Mood
 Majority Floor Leader Roy Brown
 Majority Whip Cindy Younkin
 Minority Floor Leader Kim Gillan
 Minority Whip George Golie
 Chief Clerk of the House Marilyn Miller

MEMBERS

Name	Preferred Mailing Address	Dist No	Party
Andersen, Joan	RR 1 Box 1012, Fromberg MT 59029-9701	23	R
Bales, Keith	HC 39 Box 33, Otter MT 59062-9703	01	R
Balyeat, Joe	6909 Rising Eagle Rd, Bozeman MT 59715-8621	32	R
Barrett, Debby	17600 MT Highway 324, Dillon MT 59725-9657	34	R
Bitney, Rod	PO Box 10501, Kalispell MT 59904-0501	77	R
Bixby, Norma	PO Box 1165, Lamar MT 59043-1165	05	D
Bookout-Reinicke, Sylvia	PO Box 327, Alberton MT 59820-0327	71	R
Branan, Gary	415 Yellowstone Ave, Billings MT 59101-1730	17	D
Brown, Dee L.	PO Box 444, Hungry Horse MT 59919-0444	83	R
Brown, Roy	PO Box 22273, Billings MT 59104-2273	14	R
Brueggeman, John	321 Lakeview Dr, Polson MT 59860-9317	74	R
Buzzas, Rosalie 'Rosie'	233 University Ave, Missoula MT 59801-4351	65	D
Callahan, T.M. 'Tim'	3409 5th Ave S, Great Falls MT 59405-3543	43	D
Carney, Eileen	PO Box 1193, Libby MT 59923-1193	82	D
Clancy, Gilda	PO Box 6696, Helena MT 59604-6696	51	R
Clark, Edith J.	PO Box 34, Sweetgrass MT 59484-0034	88	R
Clark, Paul	20 Fox Ln, Trout Creek MT 59874-9510	72	D
Curtiss, Aubyn	PO Box 216, Fortine MT 59918-0216	81	R
Cyr, Larry	1260 W Alumnium St, Butte MT 59701-2102	37	D
Dale, Rick	PO Box 262, Twin Bridges MT 59754-0262	39	R
Davies, Bob	871 Bozeman Trail Rd, Bozeman MT 59715-6674	27	R
Dell, Tom	617 Pinehurst Rd, Billings MT 59105-3550	19	D
Devlin, Ronald R.	PO Box 186, Terry MT 59349-0186	03	R
Eggers, Bill	PO Box 1000, Crow Agency MT 59022-1000	06	D
Erickson, Ron	3250 Pattee Canyon Rd, Missoula MT 59803-1703	64	D
Esp, John	PO Box 1024, Big Timber MT 59011-1024	25	R
Everett, George	1344 Helena Flats Rd, Kalispell MT 59901-6548	84	R
Facey, Tom	418 Plymouth St, Missoula MT 59801-4133	67	D
Fisher, Stanley M.	76 Golf Terrace Dr, Bigfork MT 59911-6252	75	R
Forrester, Gary L.	2527 Gardner St, Billings MT 59101-6702	16	D
Fritz, Nancy Rice	1817 Daniel Dr, Missoula MT 59802-4926	69	D
Fuchs, Daniel C.	2031 Clubhouse Way #3, Billings MT 59105-3428	15	R
Gallik, Dave	120 E Lyndale Ave, Helena MT 59601-2911	52	D
Gallus, Steve	2319 Harvard Ave, Butte MT 59701-3854	35	D
Galvin-Halcro, Kathleen	101 Riverview Dr E, Great Falls MT 59404-1547	48	D
Gillan, Kim	750 Judicial Ave, Billings MT 59105-2130	11	D

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Golie, George	316 20th Ave S, Great Falls MT 59405-4131	44	D
Gutsche, Gail	1530 Cooper St, Missoula MT 59802-2220	66	D
Haines, Dick	5935 St Francis Dr, Missoula MT 59803-2945	63	R
Harris, Christopher	519 N Black Ave, Bozeman MT 59715-3612	30	D
Hedges, Donald L.	70 Singletree Rd, Antelope MT 59211	97	R
Himmelberger, Dennis	PO Box 22272, Billings MT 59104-2272	18	R
Holden, Linda L.	170 Dupuyer Cut off, Valier MT 59486-5256	86	R
Hurdle, Joan	PO Box 1991, Billings MT 59103-1991	13	D
Jackson, Verdell	555 Wagner Ln, Kalispell MT 59901-8079	79	R
Jacobson, Hal	4813 US Highway 12 W, Helena MT 59601-9694	54	D
Jayne, Joey	299 Lumpry Rd, Arlee MT 59821-9747	73	D
Jent, Larry	506 E Babcock St, Bozeman MT 59715-4714	29	D
Juaneau, Carol C.	128 9th Ave SE, Brownings MT 59417	85	D
Kasten, Dave	HC 77 Box A-14, Brockway MT 59214-9701	99	R
Kaufmann, Christine	PO Box 1566, Helena MT 59624-1566	53	D
Keane, Jim	2131 Wall St, Butte MT 59701-5527	36	D
Keating, Tom	2003 Willowbrook Way, Billings MT 59102-2627	10	R
Laible, Rick	529 Moose Hollow Rd, Victor MT 59875-9303	59	R
Laslovich, Jesse	112 Mountain View St, Anaconda MT 59711-1616	57	D
Laszloffy, Jeff	3165 Highway 212 S, Laurel MT 59044-8911	22	R
Lawson, Bob	PO Box 686, Whitefish MT 59937-0686	80	R
Lee, Michelle	213 W Geyser St, Livingston MT 59047-3412	26	D
Lehman, Larry R.	PO Box 184, Power MT 59468-0184	87	R
Lenhart, Ralph L.	PO Box 1225, Glendive MT 59330-1225	02	D
Lewis, Dave	5871 Collins Rd, Helena MT 59602-9584	55	R
Lindeen, Monica J.	1626 Heath St, Huntley MT 59037-9137	07	D
Mangan, Jeff	PO Box 1196, Great Falls MT 59403-1196	45	D
Masolo, Gay Ann	20 Buck Dr, Townsend MT 59644-9651	40	R
Matthews, Gary	1708 Main St, Miles City MT 59301-3652	04	D
McCann, Matt	PO Box 1093, Harlem MT 59526-1093	92	D
McGee, Daniel W. 'Dan'	1925 Pinyon Dr, Laurel MT 59044-9381	21	R
McKenney, Joe	1140 18th Ave SW, Great Falls MT 59404-3426	49	R
Mood, Doug	PO Box 42, Seeley Lake MT 59868-0042	58	R
Musgrove, John L.	810 8th St, Havre MT 59501-4127	91	D
Newman, Brad	514 N Henry Ave, Butte MT 59701-8720	38	D
Noennig, Mark E.	3441 Powderhorn Cir, Billings MT 59102-0332	09	R
Olson, Alan	18 Halfbreed Creek Rd, Roundup MT 59072-6524	08	R
Pattison, Jeff	123 Cain Rd, Glasgow MT 59230	95	R
Peterson, Jim	RR 1 Box 2, Buffalo MT 59418-9501	94	R
Peterson, Ken	424 48th St W, Billings MT 59106-2306	20	R
Raser, Holly	4304 Spurgin Rd, Missoula MT 59804-4520	70	D
Rice, Diane	PO Box 216, Harrison MT 59735-0216	33	R
Ripley, Rick	8920 MT Highway 200, Wolf Creek MT 59648-8639	50	R
Rome, Allen	748 Dana Ln, Harrison MT 59731-9737	56	R
Schmidt, Trudi	4029 6th Ave S, Great Falls MT 59405-3746	42	D
Schrumpf, Clarice	1546 Hawthorne Ln, Billings MT 59105-1802	12	R
Shockley, Jim	PO Box 608, Victor MT 59875-0608	61	R
Sinrud, John	284 Frontier Dr, Bozeman MT 59718-7975	31	R
Sliter, Elaine	PO Box 118, Somers MT 59932-0118	76	R
Smith, Frank J.	PO Box 729, Poplar MT 59255-0729	98	D
Somerville, Roger	PO Box 1104, Kalispell MT 59903-1104	78	R
Steinbeisser, Donald	RR 1 Box 3400, Sidney MT 59270-9620	100	R
Story Jr., Robert R.	133 Valley Creek Rd, Park City MT 59063-8040	24	R
Thomas, Bill	HC 81 Box 7, Hobson MT 59452-9701	93	R
Tramelli, Brett	204 Smelter Ave NW, Great Falls MT 59404-1852	46	D
Tropila, Joseph 'Joe'	209 2nd St NW, Great Falls MT 59404-1301	47	D
Waddill, Butch	PO Box 1357, Florence MT 59833-1357	62	I
Waitschies, Karl A.	PO Box A-18, Peerless MT 59253	96	R
Walters, Allan	416 Grantsdale Rd, Hamilton MT 59840-3335	60	R
Wanzenried, David E.	903 Sky Dr, Missoula MT 59804-3121	68	D
Whitaker, James G.	4020 5th Ave S, Great Falls MT 59405-3640	41	R
Witt, John E.	2555 Russell Rd, Carter MT 59420-8230	89	R
Wolery, Merlin	HC 75 Box 70, Rudyard MT 59540-9707	90	R
Younkin, Cindy	1115 N Spruce Dr, Bozeman MT 59715-5948	28	R

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CHAPTER NO. 1

[HB 1]

AN ACT APPROPRIATING MONEY; PROVIDING FOR THE OPERATION OF THE SPECIAL SESSION OF THE 57TH LEGISLATURE CONVENING AUGUST 5, 2002, AND FOR OTHER RELATED LEGISLATIVE PURPOSES; PROVIDING EXPLICITLY FOR REVERSION OF EXCESS FUNDING; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Appropriations. The following amounts are appropriated from the general fund for the fiscal year ending June 30, 2003, for costs of the special legislative session of August 2002:

LEGISLATIVE BRANCH (1104)

1. Senate (25)	\$162,777
2. House of Representatives (26)	288,711
3. Legislative Services Division (22)	46,178

Section 2. Reversion. Money appropriated in [section 1] that is not expended or obligated at the end of the fiscal year ending June 30, 2003, reverts to the general fund.

Section 3. Effective date. [This act] is effective on passage and approval.

Approved August 13, 2002

CHAPTER NO. 2

[HB 3]

AN ACT REDUCING THE STATE GENERAL FUND SHORTFALL IN REVENUE BY IMPLEMENTING PAY AND BENEFIT ADJUSTMENTS FOR STATE EMPLOYEES FOR THE FISCAL YEAR ENDING JUNE 30, 2003; AMENDING SECTION 8, CHAPTER 553, LAWS OF 2001; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 8, Chapter 553, Laws of 2001, is amended to read:

“Section 8. Appropriations. (1) The following money for the indicated fiscal years is appropriated to the listed agencies to implement the adjustments provided for in [sections 1 through 6]:

	Fiscal Year 2002		Fiscal Year 2003	
	General Fund	Other Funds	General Fund	Other Funds
Legislative Branch	145,571	29,596	388,359 310,687	78,107
Consumer Counsel		9,829		25,902
Judiciary	93,728	10,564	253,634 202,907	28,560

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University System	3,491,176	3,051,506	8,759,051 7,007,241	7,655,963
OBPP	4,302,871	6,718,472	11,606,426 9,176,095	18,059,051 18,320,702
OBPP-Teacher Pay Plan	41,836		107,216 85,773	

(2) The following money is appropriated for the biennium to the office of budget and program planning to be distributed to other agencies when personnel vacancies do not occur, retirement costs exceed agencies resources, or other contingencies arise:

	Fiscal Year 2002	
	General Fund	Other Funds
Personal Services Contingency	1,300,000 800,000	3,000,000

(3) The following money is appropriated for the biennium to the legislative branch for use when personnel vacancies do not occur, retirement costs exceed branch resources, or other contingencies arise:

	Fiscal Year 2002
	General Fund
Personal Services Contingency	200,000

(4) The following money is appropriated for the biennium to the legislative branch to reduce the discrepancy between actual branch salaries and statutory market salaries:

	Fiscal Year 2002	
	General Fund	Other Funds
Statutory Market Salary Adjustment	400,000	34,500

Section 2. Effective date. [This act] is effective on passage and approval.

Approved August 13, 2002

CHAPTER NO. 3

[HB 4]

AN ACT REDUCING THE GENERAL FUND SHORTFALL IN REVENUE BY TEMPORARILY ELIMINATING THE REVENUE DEDICATED TO THE SCHOOL TECHNOLOGY FUND; AMENDING SECTIONS 20-9-343, 20-9-534, AND 20-9-620, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 20-9-343, MCA, is amended to read:

"20-9-343. Definition of and revenue for state equalization aid. (1) As used in this title, the term "state equalization aid" means revenue as required in this section for:

(a) distribution to the public schools for guaranteed tax base aid, BASE aid, state reimbursement for school facilities, and grants for school technology purchases; and

(b) negotiated payments authorized under 20-7-420(3) up to \$500,000 a biennium.

(2) The superintendent of public instruction may spend throughout the biennium funds appropriated for the purposes of guaranteed tax base aid, BASE aid for the BASE funding program, state reimbursement for school facilities, negotiated payments authorized under 20-7-420(3), and school technology purchases.

(3) ~~The~~ From July 1, 2001, through June 30, 2003, the following money must be paid into a subfund of the state general fund for the public schools of the state as indicated:

(a) ~~(i) subject to subsection (3)(a)(ii),~~ interest and income money described in 20-9-341 and 20-9-342; and

~~(ii) an amount of money equal to the income money attributable to the difference between the average sale value of 18 million board feet and the total income produced from the annual timber harvest on common school trust lands during the fiscal year to the school technology account in the state special revenue fund, which is statutorily appropriated, pursuant to 20-9-534, to be used for the purposes of 20-9-533;~~

(b) investment income earned by investing interest and income money described in 20-9-341 and 20-9-342.

(4) Beginning July 1, 2003, the following money must be paid into a subfund of the state general fund for the public schools of the state as indicated:

(a) (i) subject to subsection (4)(a)(ii), interest and income money described in 20-9-341 and 20-9-342; and

~~(ii) an amount of money equal to the income money attributable to the difference between the average sale value of 18 million board feet and the total income produced from the annual timber harvest on common school trust lands during the fiscal year to the school technology account in the state special revenue fund, which is statutorily appropriated, pursuant to 20-9-534, to be used for the purposes of 20-9-533;~~

(b) investment income earned by investing interest and income money described in 20-9-341 and 20-9-342."

Section 2. Section 20-9-534, MCA, is amended to read:

"20-9-534. School technology purchases. By September 1, the superintendent of public instruction shall allocate the annual amount for grants for school technology purchases to each district based on the ratio that each district's BASE budget bears to the statewide BASE budget amount for all school districts multiplied by the amount of money provided in 20-9-343(3)(a)(ii) for the purposes of 20-9-533 in the prior fiscal year. The grants for school technology purchases are statutorily appropriated, as provided in 17-7-502."

Section 3. Section 20-9-620, MCA, is amended to read:

"20-9-620. Definition. (1) As used in 20-9-621, 20-9-622, and this section, "distributable revenue" means, except for that portion of revenue described in 20-9-343(3)(a)(ii) and available on or after July 1, 2003, 77-1-607, and 77-1-613, 95% of all revenue from the management of school trust lands and the permanent fund, including timber sale proceeds, lease fees, interest, dividends, and net realized capital gains.

(2) The term does not include mineral royalties or land sale proceeds that are deposited directly in the permanent fund or net unrealized capital gains that remain in the permanent fund until realized.”

Section 4. Coordination instruction. If House Bill No. 4 and House Bill No. 7 are both passed and approved and if both include a section amending 20-9-343, then 20-9-343 must read as follows:

“20-9-343. Definition of and revenue for state equalization aid. (1) As used in this title, the term “state equalization aid” means revenue as required in this section for:

(a) distribution to the public schools for guaranteed tax base aid, BASE aid, state reimbursement for school facilities, and grants for school technology purchases; and

(b) negotiated payments authorized under 20-7-420(3) up to \$500,000 a biennium.

(2) The superintendent of public instruction may spend throughout the biennium funds appropriated for the purposes of guaranteed tax base aid, BASE aid for the BASE funding program, state reimbursement for school facilities, negotiated payments authorized under 20-7-420(3), and school technology purchases.

(3) ~~The~~ *From July 1, 2001, through June 30, 2003, the* following money must be paid into ~~a subfund of the state general~~ *the dedicated school revenue* fund for the public schools of the state as indicated:

(a) ~~(i) subject to subsection (3)(a)(ii),~~ interest and income money described in 20-9-341 and 20-9-342; and

~~(ii) an amount of money equal to the income money attributable to the difference between the average sale value of 18 million board feet and the total income produced from the annual timber harvest on common school trust lands during the fiscal year to the school technology account in the state special revenue fund, which is statutorily appropriated, pursuant to 20-9-534, to be used for the purposes of 20-9-533;~~

(b) investment income earned by investing interest and income money described in 20-9-331, 20-9-333, 20-9-341, and 20-9-342.

(4) *Beginning July 1, 2003, the following money must be paid into the dedicated school revenue fund for the public schools of the state as indicated:*

(a) (i) *subject to subsection (4)(a)(ii), interest and income money described in 20-9-341 and 20-9-342; and*

(ii) an amount of money equal to the income money attributable to the difference between the average sale value of 18 million board feet and the total income produced from the annual timber harvest on common school trust lands during the fiscal year, which is statutorily appropriated, pursuant to 20-9-534, to be used for the purposes of 20-9-533;

(b) *investment income earned by investing interest and income money described in 20-9-331, 20-9-333, 20-9-341, and 20-9-342.”*

Section 5. Effective date — retroactive applicability. [This act] is effective on passage and approval and applies retroactively, within the meaning of 1-2-109, to school fiscal years beginning July 1, 2001.

Approved August 13, 2002

CHAPTER NO. 4

[HB 6]

AN ACT RELATING TO THE USE OF STATE-OWNED MOTOR VEHICLES FOR OFFICIAL BUSINESS AND REIMBURSEMENT FOR PRIVATE MOTOR VEHICLE USE BY STATE OFFICERS OR EMPLOYEES; ESTABLISHING MOTOR VEHICLE MILEAGE REIMBURSEMENT FOR OTHER AUTHORIZED TRAVEL; AMENDING SECTION 2-18-503, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2-18-503, MCA, is amended to read:

"2-18-503. Mileage — allowance. (1) Members of the legislature, state officers and employees, jurors, witnesses, county agents, and all other persons who may be entitled to mileage paid from public funds when using their own ~~automobiles~~ motor vehicles in the performance of official duties are entitled to collect mileage for the distance actually traveled by ~~automobile~~ motor vehicle and no more unless otherwise specifically provided by law.

(2) ~~(a) When the individual a state officer or employee, including a legislator on legislative business, is authorized to operate a privately owned vehicle even though travel by motor vehicle, a government owned or leased vehicle is available, a rate of 3 cents less per mile than the mileage rate allowed by the United States internal revenue service for the current year must be paid and chooses to use a privately owned motor vehicle even though a government-owned or leased motor vehicle is available, the officer or employee may be reimbursed only at the rate of 52% of the low mileage rate allowed by the United States internal revenue service for the current year.~~

~~(3)(b)~~ When a privately owned motor vehicle is used because a government-owned or leased motor vehicle is not available or because the use is in the best interest of the governmental entity; and a notice of unavailability of a government-owned or leased motor vehicle or a specific exemption is attached to the travel claim, then a rate equal to the mileage allotment allowed by the United States internal revenue service for the current year must be paid for the first 1,000 miles and 3 cents less per mile for all additional miles traveled within a given calendar month.

(3) Members of the legislature, while traveling between their residence and Helena, jurors, witnesses, county agents, and all other persons, except a state officer or employee, who may be entitled to mileage paid from public funds when using their own motor vehicles in the performance of official duties are entitled to collect mileage at a rate equal to the mileage allotment allowed by the United States internal revenue service for the current year for the first 1,000 miles and 3 cents less per mile for all additional miles traveled within a given calendar month.

(4) Members of the legislature, state officers and employees, jurors, witnesses, county agents, and all other persons who may be entitled to mileage paid from public funds; when using their own airplanes in the performance of official duties; are entitled to collect mileage for the nautical air miles actually traveled at a rate of twice the mileage allotment for ~~automobile~~ motor vehicle travel and no more unless specifically provided by law.

(5) This section does not alter 5-2-301.

(6) The department of administration shall prescribe policies necessary for the effective administration of this section for state government. The Montana Administrative Procedure Act, Title 2, chapter 4, does not apply to policies prescribed to administer this part."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved August 13, 2002

CHAPTER NO. 5

[HB 11]

AN ACT REDUCING THE GENERAL FUND SHORTFALL IN REVENUE BY REVISING THE AMOUNT OF FEDERAL MINERAL LEASING FUNDS AVAILABLE FOR DISTRIBUTION TO COUNTIES IN FISCAL YEAR 2003; AMENDING SECTION 17-3-240, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 17-3-240, MCA, is amended to read:

"17-3-240. Federal mineral leasing funds. (1) All money paid to the state pursuant to 30 U.S.C. 191 must be deposited in the state general fund and must be distributed as provided in subsections (2) and (3).

(2) At the conclusion of fiscal year 2002, the state treasurer shall distribute all money received in fiscal year 2002 in excess of \$21,756,000 pursuant to subsection (3). At the conclusion of fiscal year 2003, the state treasurer shall distribute all money received in fiscal year 2003 in excess of ~~\$20,474,000~~ \$21,671,000 pursuant to subsection (3). At the conclusion of fiscal year 2004, the state treasurer shall distribute ~~12.5%~~ 12.5% of all money received pursuant to subsection (3). At the conclusion of fiscal year 2005 ~~and each fiscal year thereafter~~ and each fiscal year thereafter, the state treasurer shall distribute ~~25%~~ 25% of all money received pursuant to subsection (3).

(3) On August 15 following the close of the fiscal year, the state treasurer shall distribute the distributions in subsection (2) to the mineral impact account established in 17-3-241. The distribution to the eligible counties must be allocated based on the proportion that the total amount of revenue generated by mineral extraction in an eligible county bears to the total amount of money received by the state."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved August 13, 2002

CHAPTER NO. 6

[HB 12]

AN ACT REDUCING THE GENERAL FUND SHORTFALL IN REVENUE BY IMPOSING A HIRING FREEZE ON STATE GOVERNMENT DURING FISCAL YEAR 2003; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

WHEREAS, the savings from wages and some overhead costs through the implementation of a freeze on hiring will assist with the budget emergency.

Be it enacted by the Legislature of the State of Montana:

Section 1. Fiscal year 2003 hiring freeze — exemption. (1) Except as provided in subsections (2) and (3), an agency of state government, as defined in 2-18-601, may not hire any employee after [the effective date of this act].

(2) An agency may hire an employee if that agency's approving authority, as defined in 17-7-102, approves the hiring in writing and transmits the approval to the governor's office of budget and program planning for input into the statewide accounting, budgeting, and human resources system. An approving authority may approve the hiring of an employee to protect the public health, safety, and welfare of the citizens of the state and to avoid significant disruptions to critical state services. The governor's office of budget and program planning, in conjunction with the state personnel division of the department of administration, shall, within 30 days of [the effective date of this act], develop general criteria that are to be used by the governor for executive branch agencies and that may be used by other approving authorities to determine which vacant positions may be exempted from the hiring freeze.

(3) This section does not apply to the Montana university system.

Section 2. Effective date. [This act] is effective on passage and approval.

Section 3. Termination. [This act] terminates June 30, 2003.

Approved August 13, 2002

CHAPTER NO. 7

[HB 13]

AN ACT TRANSFERRING \$400,000 FROM THE STATE DEBT COLLECTION INTERNAL SERVICE FUND TO THE STATE GENERAL FUND; AMENDING SECTION 17-4-106, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 17-4-106, MCA, is amended to read:

"17-4-106. Agency owed debt to receive all money collected — exception. (1) All money collected by the department on debts transferred to the department by the various agencies, except funds collected under 17-4-103(3), must be deposited to the account or fund of the agency to which the debt was originally owed. A county shall apply a delinquent personal property tax collection by the department to the payment of the taxpayer's most delinquent personal property taxes or portion of the taxes.

(2) Funds collected under 17-4-103(3) must be deposited in an account in the internal service fund for the cost of assistance of debt collection by the department. ~~Funds~~ *Except as provided in subsection (3), funds* deposited in excess of the amount appropriated for operation of the debt collection program must be carried forward into the next fiscal year for operation of the debt collection program. Any excess carried forward into the next fiscal year must be used to reduce the designated percentage of the collected proceeds charged to the various agencies.

(3) *The amount of \$400,000 is transferred from the internal service fund referred to in subsection (2) to the general fund prior to June 30, 2003.*"

Section 2. Effective date. [This act] is effective on passage and approval.

Approved August 13, 2002

CHAPTER NO. 8

[HB 16]

AN ACT MAXIMIZING INTEREST EARNED BY THE GENERAL FUND BY LIMITING INTERENTITY LOANS IN FUNDS OR ACCOUNTING ENTITIES THAT ARE OWED MONEY BY THE FEDERAL GOVERNMENT OR OTHER THIRD PARTIES; REQUIRING THE BORROWING AGENCY TO BILL THE FEDERAL GOVERNMENT OR OTHER THIRD PARTY AND TO CERTIFY THE BILLING TO THE AGENCY THAT APPROVED THE LOAN; AMENDING SECTION 17-2-107, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 17-2-107, MCA, is amended to read:

"17-2-107. Accurate accounting records and interentity loans. (1)

The department shall record receipts and disbursements for treasury funds and for accounting entities within treasury funds and shall maintain records in a manner that reflects the total cash and invested balance of each fund and each accounting entity. The department shall adopt the necessary procedures to ensure that interdepartmental or intradepartmental transfers of money or loans do not result in inflation of figures reflecting total governmental costs and revenue.

(2) (a) Subject to 17-2-105, when the expenditure of an appropriation from a fund designated in 17-2-102(1) through (3) is necessary and the cash balance in the accounting entity from which the appropriation was made is insufficient, the department may authorize a temporary loan, bearing no interest, of unrestricted money from other accounting entities if there is reasonable evidence that the income will be sufficient to repay the loan within 1 calendar year and if the loan is recorded in the state accounting records. An accounting entity receiving a loan or an accounting entity from which a loan is made may not be so impaired that all proper demands on the accounting entity cannot be met even if the loan is extended.

(b) (i) When an expenditure from a fund or subfund designated in 17-2-102(4) is necessary and the cash balance in the fund or subfund from which the expenditure is to be made is insufficient, the commissioner of higher education may authorize a temporary loan, bearing interest as provided in subsection (4) of this section, of money from the agency's other funds or subfunds if there is reasonable evidence that the income will be sufficient to repay the loan within 1 calendar year and if the loan is recorded in the state accounting records. A fund or subfund receiving a loan or from which a loan is made may not be so impaired that all proper demands on the fund or subfund cannot be met even if the loan is extended.

(ii) One accounting entity within each fund or subfund designated in 17-2-102(4) must be established for the sole purpose of recording loans between the funds or subfunds. This accounting entity is the only accounting entity

within each fund or subfund that may receive a loan or from which a loan may be made.

(c) A loan made under subsection (2)(a) or (2)(b) must be repaid within 1 calendar year of the date on which the loan is approved unless it is extended under subsection (3) or by specific legislative authorization.

(3) Under unusual circumstances, the director of the department or the board of regents may grant one extension for up to 1 year for a loan made under subsection (2)(a) or (2)(b). The director or board shall prepare a written justification and proposed repayment plan for each loan extension authorized and shall furnish a copy of the written justification and proposed repayment plan to the house appropriations and senate finance and claims committees at the next legislative session.

(4) Any loan from the current unrestricted subfund to funds designated in 17-2-102(4)(a)(iv) and (4)(b) through (4)(f) must bear interest at a rate equivalent to the previous fiscal year's average rate of return on the board of investments' short-term investment pool.

(5) If for 2 consecutive fiscal yearends a loan or an extension of a loan has been authorized to the same accounting entity as provided in subsection (2) or (3), the department or the commissioner of higher education shall submit to the legislative finance committee by September 1 of the following fiscal year a written report containing an explanation as to why the second loan or extension was made, an analysis of the solvency of the accounting entity or accounting entities within the university fund or subfund, and a plan for repaying the loans.

(6) If for 2 consecutive fiscal yearends an accounting entity in a fund or subfund designated in 17-2-102(4) has a negative cash balance, the commissioner of higher education shall submit to the legislative finance committee by September 1 of the following fiscal year a written report containing an explanation as to why the accounting entity has a negative cash balance, an analysis of the solvency of the accounting entity, and a plan to address any problems concerning the accounting entity's negative cash balance or solvency.

(7) (a) An accounting entity in a fund designated in 17-2-102(1) through (3) may not have a negative cash balance at fiscal yearend. The department may, however, allow a fund type within each agency to carry a negative balance at any point during the fiscal year if the negative cash balance does not exist for more than 7 working days.

(b) (i) Except as provided in subsection (7)(b)(ii) of this section, a unit of the university system shall maintain a positive cash balance in the funds and subfunds designated in 17-2-102(4).

(ii) If a fund or subfund inadvertently has a negative cash balance, the department may allow the fund or subfund to carry the negative cash balance for no more than 7 working days. If the negative cash balance exists for more than 7 working days, a transaction may not be processed through the statewide accounting system for that fund or subfund.

(8) Notwithstanding the provisions of subsections (2) through (4), the department may authorize loans to accounting entities in the federal and state special revenue funds with long-term repayment whenever necessary because of the timing of the receipt of agreed-upon reimbursements from federal, private, or other governmental entity sources for disbursements made. If possible, the loans must be made from funds other than the general fund. The

department may approve the loans if the requesting agency can demonstrate that the total loan balance does not exceed total receivables from federal, private, or other governmental entity sources and receivables have been billed on a timely basis. The loan must be repaid under terms and conditions that may be determined by the department or by specific legislative authorization.

(9) A loan may not be authorized under this section to any fund or accounting entity that is owed federal or other third-party funds unless the requesting agency certifies to the agency approving the loan that it has and will continue to bill the federal government or other third party for the requesting agency's share of costs incurred in the fund or accounting entity on the earliest date allowable under federal or other third-party regulations applicable to the program. The requesting agency shall recertify its timely billing status to the agency that approved the loan at least monthly during the term of the loan. If at any time the requesting agency fails to recertify the timely billing, the agency that approved the loan shall cancel the loan and return the money to its original source."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved August 13, 2002

CHAPTER NO. 9

[HB 5]

AN ACT REVISING TRANSFERS FROM THE STATE GENERAL FUND TO THE DEPARTMENT OF TRANSPORTATION STATE SPECIAL REVENUE NONRESTRICTED ACCOUNT; REVISING CERTAIN TRANSFERS OF FUNDS TO THE RESEARCH AND COMMERCIALIZATION STATE SPECIAL REVENUE ACCOUNT; AMENDING SECTIONS 15-1-122 AND 15-35-108, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-1-122, MCA, is amended to read:

"15-1-122. Fund transfers. (1) There is transferred from the state general fund to the adoption services account, provided for in 42-2-105, \$36,764 for fiscal year 2003. Beginning with fiscal year 2004, the amount of the transfer must be increased by 10% in each succeeding fiscal year.

(2) There is transferred from the state general fund to the department of transportation state special revenue nonrestricted account the following amounts:

~~(a) \$2,873,853 in fiscal year 2002;~~

~~(b)(a) \$2,916,961~~ \$75,000 in fiscal year 2003;

~~(c)(b)~~ \$2,960,715 in fiscal year 2004; and

~~(d)(c)~~ in each succeeding fiscal year, the amount in subsection ~~(2)(c)~~ (2)(b), increased by 1.5% in each succeeding fiscal year.

(3) For fiscal year 2002 and for each succeeding fiscal year, there is transferred from the state general fund to the accounts, entities, or recipients indicated the following amounts:

(a) to the motor vehicle recycling and disposal program provided for in Title 75, chapter 10, part 5:

(i) \$2 for each new application for a motor vehicle title and for each transfer of a motor vehicle title for which a fee is paid pursuant to 61-3-203; and

(ii) \$1 for each passenger car or truck under 8,001 pounds GVW registered for licensing pursuant to Title 61, chapter 3, part 3. Fifteen cents of each dollar must be used for the purpose of reimbursing the hired removal of abandoned vehicles during the calendar year following the calendar year in which the fee was paid. Any portion of the 15 cents not used for abandoned vehicle removal reimbursement during the calendar year following its payment must be used as provided in 75-10-532;

(b) to the noxious weed state special revenue account provided for in 80-7-816:

(i) \$1 for each off-highway vehicle subject to payment of the fee in lieu of tax, as provided for in 23-2-803; and

(ii) \$1.50 for each light vehicle, truck or bus weighing less than 1 ton, logging truck, vehicles weighing more than 1 ton, motorcycle, quadricycle, and motor home subject to registration or reregistration pursuant to 61-3-321;

(c) to the department of fish, wildlife, and parks:

(i) \$2.50 for each motorboat, sailboat, or personal watercraft receiving a certificate of number under 23-2-512, with 20% of the amount received to be used to acquire and maintain pumpout equipment and other boat facilities;

(ii) \$5 for each snowmobile registered under 23-2-616, with \$2.50 to be used for enforcing the purposes of 23-2-601 through 23-2-644 and \$2.50 designated for use in the development, maintenance, and operation of snowmobile facilities;

(iii) \$1 for each duplicate snowmobile decal issued under 23-2-617;

(iv) \$5 for each off-highway vehicle decal issued under 23-2-804 and each off-highway vehicle duplicate decal issued under 23-2-809, with 40% of the money used to enforce the provisions of 23-2-804 and 60% of the money used to develop and implement a comprehensive program and to plan appropriate off-highway vehicle recreational use;

(v) to the state special revenue fund established in 23-1-105, \$3.50 for each recreational vehicle, camper, motor home, and travel trailer registered or reregistered and subject to the fee in 61-3-321 or 61-3-524; and

(vi) an amount equal to 20% of the funds collected pursuant to 23-2-518 to be deposited in the motorboat account to be used as provided in 23-2-533;

(d) to the state veterans' cemetery account, provided for in 10-2-603, \$10 for each veteran's license plate issued pursuant to 61-3-332(10)(a)(ii), (10)(f), and (10)(h); ~~and~~

(e) to the supplemental benefits for highway patrol officers' retirement account provided for in 19-6-709, 25 cents for each motor vehicle registered, other than trailers or semitrailers registered in other jurisdictions and registered through a proportional registration agreement; *and*

(f) 25 cents a year for each vehicle subject to the fee in 61-3-321(6) for deposit in the state special revenue fund to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.

(4) For fiscal year 2002, there is transferred from the state general fund to the state special revenue fund to be used for purposes of state funding of district court expenses, as provided in 3-5-901, \$5,742,983 in lieu of the amount

deposited by the state treasurer under 61-3-509(3), as that subsection read prior to the amendment of 61-3-509 in 2001.

(5) For each fiscal year, beginning with fiscal year 2002, the department of justice shall provide to the department of revenue a count of the vehicles required for the calculations in subsection (3). Transfer amounts for fiscal year 2002 must be based on vehicle counts for calendar year 2000. Transfer amounts in each succeeding fiscal year must be based on vehicle counts in the most recent calendar year for which vehicle information is available.

(6) The amounts transferred from the general fund to the designated recipient must be appropriated as state special revenue in the general appropriations act for the designated purposes."

Section 2. Section 15-35-108, MCA, is amended to read:

"15-35-108. (Temporary) Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of 15-1-501, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) Twelve percent of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of 8.36% must be credited to an account in the state special revenue fund to be allocated by the legislature for local impacts, county land planning, provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) (a) Subject to subsections (7)(b) and (7)(c), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.

(b) The interest income from \$140 million of the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, on an annual basis as follows:

- (i) \$65,000 to the cooperative development center;
- (ii) \$1.25 million for the growth through agriculture program provided for in Title 90, chapter 9;
- (iii) to the department of commerce:
 - (A) \$125,000 for a small business development center;
 - (B) \$50,000 for a small business innovative research program;
 - (C) \$425,000 for certified communities;
 - (D) \$200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and
 - (E) \$300,000 for export trade enhancement;
- (iv) \$350,000 to the office of economic development for business recruitment and retention; and
- (v) \$600,000 to the department of administration for the purpose of reimbursing tax increment financing industrial districts as provided in 7-15-4299. Reimbursement must be made to qualified districts on a proportional basis to the loss of taxable value as a result of Chapter 285, Laws of 1999, and as documented by the department of revenue. This documentation must be provided to the budget director and to the legislative fiscal analyst. The reimbursement may not be used to pay debt service on tax increment bonds to the extent that the bonds are secured by a guaranty, a letter of credit, or a similar arrangement provided by or on behalf of an owner of property within the district.

(c) ~~Beginning annually~~ *For the fiscal year beginning July 1, 2001, there is transferred from the interest income referred to in subsection (7)(b) \$4.85 million to the research and commercialization state special revenue account created in 90-3-1002. For the fiscal year beginning July 1, 2002, there is transferred from the interest income referred to in subsection (7)(b) \$3.165 million to the research and commercialization state special revenue account created in 90-3-1002. Beginning July 1, 2003, there is transferred annually from the interest income referred to in subsection (7)(b) \$3.65 million to the research and commercialization state special revenue account created in 90-3-1002. (Terminates June 30, 2005—sec. 10(2), Ch. 10, Sp. L. May 2000.)*

15-35-108. (Effective July 1, 2005) Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of 15-1-501, be allocated as follows:

- (1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.
- (2) Twelve percent of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.
- (3) The amount of 8.36% must be credited to an account in the state special revenue fund to be allocated by the legislature for local impacts, county land planning, provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to

another account other than the general fund. Any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) All other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.”

Section 3. Effective date. [This act] is effective on passage and approval.

Section 4. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to transfers in fiscal years beginning July 1, 2001.

Approved August 16, 2002

CHAPTER NO. 10

[HB 7]

AN ACT REDUCING THE GENERAL FUND SHORTFALL IN REVENUE BY CHANGING THE FUND DESIGNATION FOR THE GUARANTEE FUND FROM A SUBFUND OF THE GENERAL FUND TO A STATE SPECIAL REVENUE FUND; PROVIDING A STATUTORY APPROPRIATION; AMENDING SECTIONS 17-7-502, 20-9-342, 20-9-343, AND 20-9-622, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 17-7-502, MCA, is amended to read:

“17-7-502. Statutory appropriations — definition — requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-15-151; 2-17-105; 5-13-403; 10-3-203; 10-3-310; 10-3-312;

10-3-314; 10-4-301; 15-1-111; 15-1-113; 15-1-121; 15-23-706; 15-35-108; 15-36-324; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107; 20-9-534; 20-9-622; 20-26-1503; 22-3-1004; 23-5-136; 23-5-306; 23-5-409; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-6-703; 53-24-206; 69-8-702; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, the inclusion of 15-35-108 and 90-6-710 terminates June 30, 2005; pursuant to sec. 17, Ch. 414, L. 2001, the inclusion of 2-15-151 terminates December 31, 2006; and pursuant to sec. 2, Ch. 594, L. 2001, the inclusion of 17-3-241 becomes effective July 1, 2003.)"

Section 2. Section 20-9-342, MCA, is amended to read:

"20-9-342. Deposit of interest and income money by state board of land commissioners. The state board of land commissioners shall annually deposit the interest and income money for each calendar year into ~~a subfund of the state general fund~~ *the fund guarantee account, provided for in 20-9-622*, for state equalization aid by the last business day of February following the calendar year in which the money was received."

Section 3. Section 20-9-343, MCA, is amended to read:

"20-9-343. Definition of and revenue for state equalization aid. (1) As used in this title, the term "state equalization aid" means revenue as required in this section for:

(a) distribution to the public schools for guaranteed tax base aid, BASE aid, state reimbursement for school facilities, and grants for school technology purchases; and

(b) negotiated payments authorized under 20-7-420(3) up to \$500,000 a biennium.

(2) The superintendent of public instruction may spend throughout the biennium funds appropriated for the purposes of guaranteed tax base aid, BASE aid for the BASE funding program, state reimbursement for school facilities, negotiated payments authorized under 20-7-420(3), and school technology purchases.

(3) The following money must be paid into ~~a subfund of the state general fund~~ *the fund guarantee account, provided for in 20-9-622*, for the public schools of the state as indicated:

(a) (i) subject to subsection (3)(a)(ii), interest and income money described in 20-9-341 and 20-9-342; and

(ii) an amount of money equal to the income money attributable to the difference between the average sale value of 18 million board feet and the total income produced from the annual timber harvest on common school trust lands during the fiscal year ~~to the school technology account in the state special revenue fund~~, which is statutorily appropriated, pursuant to 20-9-534, to be used for the purposes of 20-9-533;

(b) investment income earned by investing interest and income money described in 20-9-341 and 20-9-342.”

Section 4. Section 20-9-622, MCA, is amended to read:

“20-9-622. ~~Guarantee account~~ Guarantee account. (1) There is a ~~guarantee account~~ *guarantee account* in a subfund of the state ~~general special revenue fund~~. The ~~guarantee account~~ *guarantee account* is intended to:

(a) stabilize the long-term growth of the permanent fund; and

(b) ~~to~~ maintain a constant and increasing distributable revenue stream. All realized capital gains and all distributable revenue must be deposited in the ~~guarantee account~~ *guarantee account*. Except as provided in ~~subsection~~ *subsections (2) and (3)*, the ~~guarantee account must be distributed~~ *guarantee account is statutorily appropriated, as provided in 17-7-502, for distribution to school districts through the basic and per-ANB entitlements school equalization aid as provided in 20-9-343.*

(2) As long as a portion of the coal severance tax loan authorized in section 8, Chapter 418, Laws of 2001, is outstanding, the department of *natural resources and conservation* shall annually transfer from the ~~guarantee account~~ *guarantee account* to the general fund an amount that represents the amount of interest income that would be earned from the investment of the amount of the loan that is outstanding in the prior year.

(3) *The revenue distributed through 20-9-534 must be used for the purposes of 20-9-533.*”

Section 5. Coordination instruction. (1) If [this act] and House Bill No. 4 are both passed and approved and both bills contain a section amending 20-9-343, then the coordination instruction in House Bill No. 4 is void and section 20-9-343 must read as follows:

“20-9-343. Definition of and revenue for state equalization aid. (1) As used in this title, the term “state equalization aid” means revenue as required in this section for:

(a) distribution to the public schools for guaranteed tax base aid, BASE aid, state reimbursement for school facilities, and grants for school technology purchases; and

(b) negotiated payments authorized under 20-7-420(3) up to \$500,000 a biennium.

(2) The superintendent of public instruction may spend throughout the biennium funds appropriated for the purposes of guaranteed tax base aid, BASE aid for the BASE funding program, state reimbursement for school facilities, negotiated payments authorized under 20-7-420(3), and school technology purchases.

(3) ~~The~~ From July 1, 2001, through June 30, 2003, the following money must be paid into ~~a subfund of the state general fund and the guarantee account provided for in 20-9-622~~ for the public schools of the state as indicated:

(a) ~~(i) subject to subsection (3)(a)(ii),~~ interest and income money described in 20-9-341 and 20-9-342; and

~~(ii) an amount of money equal to the income money attributable to the difference between the average sale value of 18 million board feet and the total income produced from the annual timber harvest on common school trust lands during the fiscal year to the school technology account in the state special revenue fund, which is statutorily appropriated, pursuant to 20-9-534, to be used for the purposes of 20-9-533;~~

(b) investment income earned by investing interest and income money described in 20-9-341 and 20-9-342.

(4) Beginning July 1, 2003, the following money must be paid into the guarantee account provided for in 20-9-622 for the public schools of the state as indicated:

(a) (i) subject to subsection (4)(a)(ii), interest and income money described in 20-9-341 and 20-9-342; and

(ii) an amount of money equal to the income money attributable to the difference between the average sale value of 18 million board feet and the total income produced from the annual timber harvest on common school trust lands during the fiscal year, which is statutorily appropriated, pursuant to 20-9-534, to be used for the purposes of 20-9-533;

(b) investment income earned by investing interest and income money described in 20-9-341 and 20-9-342."

(2) If [this act] is passed and approved but House Bill No. 4 is not passed and approved, then section 20-9-534, must read as follows:

"20-9-534. School technology purchases. By September 1, the superintendent of public instruction shall allocate the annual amount for grants for school technology purchases to each district based on the ratio that each district's BASE budget bears to the statewide BASE budget amount for all school districts multiplied by the amount of money provided in ~~20-9-343(3)(a)(ii)~~ 20-9-343(4)(a)(ii) in the prior fiscal year. The grants for school technology purchases are statutorily appropriated, as provided in 17-7-502."

(3) If [this act] is passed and approved but House Bill No. 4 is not passed and approved, then section 20-9-620 must read as follows:

"20-9-620. Definition. (1) As used in 20-9-621, 20-9-622, and this section, "distributable revenue" means, except for that portion of revenue described in ~~20-9-343(3)(a)(ii)~~ 20-9-343(4)(a)(ii), 77-1-607, and 77-1-613, 95% of all revenue from the management of school trust lands and the permanent fund, including timber sale proceeds, lease fees, interest, dividends, and net realized capital gains.

(2) The term does not include mineral royalties or land sale proceeds that are deposited directly in the permanent fund or net unrealized capital gains that remain in the permanent fund until realized."

Section 6. Effective date — retroactive applicability. [This act] is effective on passage and approval and applies retroactively, within the meaning of 1-2-109, to the fiscal year beginning July 1, 2001.

Approved August 16, 2002

CHAPTER NO. 11

[HB 8]

AN ACT SWITCHING \$198,575 OF FUNDING FOR CULTURAL AND AESTHETIC GRANTS FROM THE GENERAL FUND TO THE LODGING FACILITY USE TAX; AMENDING SECTION 15-65-121, MCA, AND SECTION 2, CHAPTER 434, LAWS OF 2001; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2, Chapter 434, Laws of 2001, is amended to read:

“Section 2. Appropriation of general fund, lodging facility use tax, and cultural and aesthetic grant funds. (1) (a) There is appropriated \$300,000 of general fund money in fiscal year 2002 and ~~\$223,575 of general fund money in fiscal year 2003~~ to the Montana arts council for the projects approved in this section. The general fund appropriation is a continuing appropriation for the biennium.

(b) *There is appropriated in fiscal year 2003 to the Montana arts council for the projects approved in this section \$198,575 of the lodging facility use tax money that had been appropriated to the department of commerce under 15-65-121(1)(d).*

(2) The following projects are approved and amounts are appropriated to the Montana arts council for the biennium ending June 30, 2003, from the cultural and aesthetic projects account first and the general fund last:

(a) Category 1 - Special Projects \$4,500 or Less:

Grantee	Amount
Montana Storytelling Roundup	\$4,500
Council for the Arts, Lincoln	2,500
Miles City Preservation Commission	4,000
Montana Oral History Association	4,000
All Nations Pishkun Association	3,000
Swan Ecosystem Center	2,800

(b) Category 2 - Special Projects:

Montana Committee for the Humanities	32,000
VIAS, Inc.	22,000
Glacier Orchestra & Chorale	22,000
MCT, Missoula Children's Theatre	10,000
KUFM-TV	11,000
Bozeman Symphony	10,000
Hockaday Museum of Art	15,000

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	Miles Community College	6,000
	Valley County Coalition	12,000
	Montana Repertory Theatre	20,000
	Missoula Symphony Association	5,000
	Montana Arts	20,000
	Montana Historical Society	20,000
	Montana Performing Arts Consortium	20,000
	Rocky Mountain Ballet Theater	7,000
	Lewistown Art Center	8,000
	Museum of the Rockies	10,000
	Southwest Montana Arts Council	10,000
	Montana Alliance for Arts Education	10,000
	VSA of Montana	7,000
	Madison Valley Cultural Corp.	4,000
	Artslink, College of Arts & Architecture, MSU	5,000
	Mineral Museum	5,000
	(c) Category 3 - Operational Support:	
	Western Heritage Center	14,000
	Montana Art Gallery Directors Association	25,000
	Writer's Voice (Billings YMCA)	25,000
	Custer County Art Center	22,000
	Carbon County Historical Society	16,000
	Art Museum of Missoula	20,000
	Shakespeare in the Parks	18,000
	Billings Symphony Society	20,000
	Alberta Bair Theater	18,000
	Montana Dance Arts Association	5,000
	Great Falls Symphony Association	12,000
	Butte Center for the Performing Arts	20,000
	Fort Peck Community College	15,000
	Schoolhouse History and Art Center	20,000
	Young Audiences of Western Montana	10,000
	Holter Museum of Art	10,000
	Montana Agricultural Center & Museum	12,000
	Archie Bray Foundation	15,000
	Butte Symphony Association	15,000
	Growth Thru Art Inc.	20,000
	Vigilante Theatre Company	18,000
	Helena Symphony Association	12,000

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Big Horn Arts & Crafts Assoc./Jailhouse Gallery		10,000
Montana Association of Symphony Orchestras		15,000
Montana Transport Company		12,000
Yellowstone Art Museum		20,000
Whitefish Theatre Company		10,000
Montana Ballet Company		10,000
Livingston Depot Foundation		15,000
Yellowstone Ballet Company		6,000
Artist Group, The		1,600
(d) Category 4 - Capital Expenditures:		
Cascade County Historical Society		20,000
Billings Preservation Society		20,000
Butte-Silver Bow Public Archives		20,000
Belt Public Library		16,500
Arlee Historical Society		1,655
Fort Peck Fine Arts Council		16,000
Daly Mansion		20,000
Paris Gibson Square		5,000
Liberty Village Arts Center		2,775
Tobacco Valley Improvement Assoc. Board of Art		18,000
Bitterroot Community Band		6,000
Great Falls Civic Center		6,800"

Section 2. Section 15-65-121 , MCA, is amended to read:

"15-65-121. (Temporary) Distribution of tax proceeds. (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 15-1-501, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 15-1-501 and as provided in subsections (1)(a) through (1)(e) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The amount deducted must be deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies. The amount of \$400,000 each year must be deposited in the Montana heritage preservation and development account provided for in 22-3-1004. The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies, or deposited in the heritage preservation and development account is statutorily appropriated, as provided in 17-7-502, and must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical society,

to the university system, and to the department of fish, wildlife, and parks, as follows:

- (a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;
- (b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;
- (c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;
- (d) 67.5% to be used directly by the department of commerce, *except as provided in [section 1]*; and
- (e) (i) except as provided in subsection (1)(e)(ii), 22.5% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and
- (ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district.

(2) If a city, consolidated city-county, resort area, or resort area district qualifies under this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

(3) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials. (Terminates July 1, 2007—sec. 3, Ch. 469, L. 2001.)

15-65-121. (Effective July 1, 2007) Distribution of tax proceeds. (1)

The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 15-1-501, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 15-1-501 and as provided in subsections (1)(a) through (1)(e) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The amount deducted must be deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies. The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation or deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies is statutorily appropriated, as provided in 17-7-502, and must be transferred to an account in the state special revenue fund to the credit of the

department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical society, to the university system, and to the department of fish, wildlife, and parks, as follows:

(a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

(b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;

(c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;

(d) 67.5% to be used directly by the department of commerce; and

(e) (i) except as provided in subsection (1)(e)(ii), 22.5% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and

(ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district.

(2) If a city, consolidated city-county, resort area, or resort area district qualifies under this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

(3) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials."

Section 3. Effective date. [This act] is effective on passage and approval.

Approved August 16, 2002

CHAPTER NO. 12

[HB 10]

AN ACT REVISING CERTAIN ALLOCATIONS OF REVENUE FROM THE COAL SEVERANCE TAX, OIL AND NATURAL GAS PRODUCTION TAXES, AND METALLIFEROUS MINES LICENSE TAX TO INCREASE THE PORTION ALLOCATED TO THE STATE GENERAL FUND; REVISING ALLOCATIONS FOR CERTAIN CAPITAL PROJECTS; AMENDING SECTIONS 15-35-108, 15-36-324, AND 15-37-117, MCA, SECTION 2, CHAPTER 557, LAWS OF 1999, AND SECTION 2, CHAPTER 573, LAWS OF

2001; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, A RETROACTIVE APPLICABILITY DATE, AND TERMINATION DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-35-108, MCA, is amended to read:

"15-35-108. (Temporary) Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of 15-1-501, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) *For the fiscal year ending June 30, 2003, the amount of 10% and for fiscal years beginning on or after July 1, 2003, the amount of 12% ~~Twelve percent~~* of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) ~~The~~ *For the fiscal year ending June 30, 2003, the amount of 6.01% and for fiscal years beginning on or after July 1, 2003, the amount of 8.36%* must be credited to an account in the state special revenue fund to be allocated by the legislature for local impacts, county land planning, provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) ~~The~~ *For fiscal years beginning on or after July 1, 2003, the amount of 1.27%* must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) ~~The~~ *For fiscal years beginning on or after July 1, 2003, the amount of 0.63%* must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) (a) Subject to subsections (7)(b) and (7)(c), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.

(b) The interest income from \$140 million of the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, on an annual basis as follows:

(i) \$65,000 to the cooperative development center;

(ii) *For the fiscal year beginning July 1, 2001, \$1.25 million, for the fiscal year beginning July 1, 2002, \$925,000, and for fiscal years beginning on or after July 1, 2003, \$1.25 million for the growth through agriculture program provided for in Title 90, chapter 9;*

~~(iii) to the department of commerce:~~

~~(A) \$125,000 for a small business development center;~~

~~(B) \$50,000 for a small business innovative research program;~~

~~(C) \$425,000 for certified communities;~~

~~(D) \$200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and~~

~~(E) \$300,000 for export trade enhancement;~~

~~(iv) \$350,000 to the office of economic development for business recruitment and retention; and~~

~~(iii) to the department of commerce:~~

~~(A) \$125,000 for a small business development center;~~

~~(B) \$50,000 for a small business innovative research program;~~

~~(C) except for the fiscal year beginning July 1, 2002, \$425,000 for certified communities;~~

~~(D) \$200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and~~

~~(E) \$300,000 for export trade enhancement;~~

~~(iv) \$175,000 to the office of economic development for business recruitment and retention; and~~

~~(v) \$600,000 to the department of administration for the purpose of reimbursing tax increment financing industrial districts as provided in 7-15-4299. Reimbursement must be made to qualified districts on a proportional basis to the loss of taxable value as a result of Chapter 285, Laws of 1999, and as documented by the department of revenue. This documentation must be provided to the budget director and to the legislative fiscal analyst. The reimbursement may not be used to pay debt service on tax increment bonds to the extent that the bonds are secured by a guaranty, a letter of credit, or a similar arrangement provided by or on behalf of an owner of property within the district.~~

(c) Beginning July 1, 2001, there is transferred annually from the interest income referred to in subsection (7)(b) \$4.85 million to the research and commercialization state special revenue account created in 90-3-1002. (Terminates June 30, 2005—sec. 10(2), Ch. 10, Sp. L. May 2000.)

15-35-108. (Effective July 1, 2005) Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of 15-1-501, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) Twelve percent of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of 8.36% must be credited to an account in the state special revenue fund to be allocated by the legislature for local impacts, county land planning, provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) All other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state."

Section 2. Section 15-36-324, MCA, is amended to read:

"15-36-324. (Temporary) Distribution of taxes — rules. (1) For each calendar quarter, the department shall determine the amount of tax, late payment interest, and penalty collected under this part. For purposes of distribution of the taxes to county and school taxing units, the department shall determine the amount of oil and natural gas production taxes paid on production in the taxing unit.

(2) Except as provided in subsections (3) through (5), oil production taxes must be distributed as follows:

(a) The amount equal to 39.3% of the oil production taxes, including late payment interest and penalty, collected under this part must be distributed as provided in subsection (9).

(b) The remaining 60.7% of the oil production taxes, plus accumulated interest earned on the amount allocated under this subsection (2)(b), must be deposited in the state special revenue fund in the state treasury and transferred to the county and school taxing units for distribution as provided in subsection (12).

(3) The amount equal to 100% of the oil production taxes, including late payment interest and penalty, collected from working interest owners on qualifying production occurring during the first 12 months of production must be distributed as provided in subsection (10).

(4) (a) The amount equal to 100% of the oil production taxes, including late payment interest and penalty, collected from working interest owners on production from horizontally completed wells occurring during the first 18 months of production must be distributed as provided in subsection (10).

(b) The amount equal to 100% of the oil production taxes, including late payment interest and penalty, collected from working interest owners on the incremental production from horizontally recompleted wells occurring during the first 18 months of production must be distributed as provided in subsection (9).

(5) (a) The amount equal to 13.8% of the oil production taxes, including late payment interest and penalty, collected from working interest owners on the first 10 barrels of stripper oil production wells must be distributed as provided in subsection (10).

(b) The remaining 86.2% of the oil production taxes, plus accumulated interest earned on the amount allocated under this subsection (5)(b), must be deposited in the state special revenue fund in the state treasury and transferred to the county and school taxing units for distribution as provided in subsection (12).

(c) The amount equal to 100% of the oil production taxes, including late payment interest and penalty, collected from working interest owners on stripper well exemption production from pre-1999 wells and post-1999 wells must be distributed as provided in subsection (10).

(6) Except as provided in subsections (7) and (8), natural gas production taxes must be allocated as follows:

(a) The amount equal to 14% of the natural gas production taxes, including late payment interest and penalty, collected under this part must be distributed as provided in subsection (11).

(b) The remaining 86% of the natural gas production taxes, plus accumulated interest earned on the amount allocated under this subsection (6)(b), must be deposited in the state special revenue fund in the state treasury and transferred to the county and school taxing units for distribution as provided in subsection (12).

(7) The amount equal to 100% of the natural gas production taxes, including late payment interest and penalty, collected from working interest owners under this part on production from wells occurring during the first 12 months of production must be distributed as provided in subsection (10).

(8) The amount equal to 100% of natural gas production taxes, including late payment interest and penalty, collected from working interest owners on production from horizontally completed wells occurring during the first 18 months of production must be distributed as provided in subsection (10).

(9) The department shall, in accordance with the provisions of 15-1-501, distribute the state portion of oil production taxes specified in subsections (2)(a) and (4)(b), including late payment interest and penalty collected, as follows:

(a) 86.21% to the state general fund;

(b) 5.17% to the state special revenue fund for the purpose of paying expenses of the board as provided in 82-11-135; and

(c) 8.62% to be distributed as follows:

(i) a total of \$400,000, including the proceeds from subsections (10)(b)(i) and (11)(c)(i), to the coal bed methane protection account established in 76-15-904;

(ii) for the fiscal year ending June 30, 2003, all of the remaining proceeds to the state general fund;

~~(ii)~~(iii) for the fiscal years beginning on or after July 1, 2003, 50% of the remaining proceeds to the reclamation and development grants special revenue account established in 90-2-1104; and

~~(iii)~~(iv) for the fiscal years beginning on or after July 1, 2003, 50% of the remaining proceeds to the orphan share account established in 75-10-743.

(10) The department shall distribute the state portion of oil and natural gas production taxes specified in subsections (3), (4)(a), (5)(a), (5)(c), (7), and (8), including late payment interest and penalty collected, as follows:

(a) 37.5% to the state special revenue fund for the purpose of paying expenses of the board as provided in 82-11-135; and

(b) 62.5% to be distributed as follows:

(i) a total of \$400,000, including the proceeds from subsections (9)(c)(i) and (11)(c)(i), to the coal bed methane protection account established in 76-15-904;

(ii) for the fiscal year ending June 30, 2003, all of the remaining proceeds to the state general fund;

~~(ii)~~(iii) for the fiscal years beginning on or after July 1, 2003, 50% of the remaining proceeds to the reclamation and development grants special revenue account established in 90-2-1104; and

~~(iii)~~(iv) for the fiscal years beginning on or after July 1, 2003, 50% of the remaining proceeds to the orphan share account established in 75-10-743.

(11) The department shall, in accordance with the provisions of 15-1-501, distribute the state portion of natural gas production taxes specified in subsection (6)(a), including late payment interest and penalty collected, as follows:

(a) 76.8% to the state general fund;

(b) 8.7% to the state special revenue fund for the purpose of paying expenses of the board as provided in 82-11-135; and

(c) 14.5% to be distributed as follows:

(i) a total of \$400,000, including the proceeds from subsections (9)(c)(i) and (10)(b)(i), to the coal bed methane protection account established in 76-15-904;

(ii) for the fiscal year ending June 30, 2003, all of the remaining proceeds to the state general fund;

~~(ii)~~(iii) for the fiscal years beginning on or after July 1, 2003, 50% of the remaining proceeds to the reclamation and development grants special revenue account established in 90-2-1104; and

~~(iii)~~(iv) for the fiscal years beginning on or after July 1, 2003, 50% of the remaining proceeds to the orphan share account established in 75-10-743.

(12) (a) By the dates referred to in subsection (13), the department shall, except as provided in subsection (12)(b), calculate and distribute oil and natural gas production taxes received under subsections (2)(b), (5)(b), and (6)(b) to each eligible county in proportion to the oil and natural gas production taxes received under subsections (2)(b), (5)(b), and (6)(b) that are attributable to production in that county.

(b) The department shall distribute 5% of the oil and natural gas production taxes received under subsections (2)(b), (5)(b), and (6)(b) from pre-1999 wells to eligible counties in proportion to the underfunding that would have occurred

from the tax liability distribution of pre-1985 oil and natural gas production taxes for production in calendar year 1997.

(c) Except as provided in subsection (12)(d), the county treasurer shall distribute the money received under subsection (12)(b) to the taxing units that levied mills in fiscal year 1990 against calendar year 1988 production in the same manner that all other property tax proceeds were distributed during fiscal year 1990 in the taxing unit, except that a distribution may not be made to a municipal taxing unit.

(d) The board of county commissioners of a county may direct the county treasurer to reallocate the distribution of oil and natural gas production tax money that would have gone to a taxing unit, as provided in subsection (12)(c), to another taxing unit or taxing units, other than an elementary school or high school, within the county under the following conditions:

(i) The county treasurer shall first allocate the oil and natural gas production taxes to the taxing units within the county in the same proportion that all other property tax proceeds were distributed in the county in fiscal year 1990.

(ii) If the allocation in subsection (12)(d)(i) exceeds the total budget for a taxing unit, the commissioners may direct the county treasurer to allocate the excess to any taxing unit within the county.

(e) The board of trustees of an elementary or high school district may reallocate the oil and natural gas production taxes distributed to the district by the county treasurer under the following conditions:

(i) The district shall first allocate the oil and natural gas production taxes to the budgeted funds of the district in the same proportion that all other property tax proceeds were distributed in the district in fiscal year 1990.

(ii) If the allocation under subsection (12)(e)(i) exceeds the total budget for a fund, the trustees may allocate the excess to any budgeted fund of the school district.

(f) The county treasurer shall distribute oil and natural gas production taxes received under subsection (12)(a) between county and school taxing units in the relative proportions required by the levies for state, county, and school district purposes in the same manner as property taxes were distributed in the preceding fiscal year.

(g) The allocation to the county in subsection (12)(f) must be distributed by the county treasurer in the relative proportions required by the levies for county taxing units and in the same manner as property taxes were distributed in the preceding fiscal year.

(h) The money distributed in subsection (12)(f) that is required for the county mill levies for school district retirement obligations and transportation schedules must be deposited to the funds established for these purposes.

(i) The oil and natural gas production taxes distributed under subsection (12)(c) that are required for the 6-mill university levy imposed under 20-25-423 and for the county equalization levies imposed under 20-9-331 and 20-9-333, as those sections read on July 1, 1989, must be remitted by the county treasurer to the department.

(j) The oil and natural gas production taxes distributed under subsection (12)(f) that are required for the 6-mill university levy imposed under 20-25-423, for the county equalization levies imposed under 20-9-331 and 20-9-333, and for

the state equalization aid levy imposed under 20-9-360 must be remitted by the county treasurer to the department.

(k) The amount of oil and natural gas production taxes remaining after the treasurer has remitted the amounts determined in subsections (12)(i) and (12)(j) is for the exclusive use and benefit of the county and school taxing units.

(13) The department shall remit the amounts to be distributed in subsection (12) to the county treasurer by the following dates:

(a) On or before August 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending March 31 of the current year.

(b) On or before November 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending June 30 of the current year.

(c) On or before February 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending September 30 of the previous year.

(d) On or before May 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending December 31 of the previous calendar year.

(14) The department shall provide to each county by May 31 of each year the amount of gross taxable value represented by all types of production taxed under 15-36-304 for the previous calendar year multiplied by 60%. The resulting value must be treated as taxable value for county classification purposes.

(15) (a) In the event that the board revises the privilege and license tax pursuant to 82-11-131, the department shall, by rule, change the formula under this section for distribution of taxes collected under 15-36-304. The revised formula must provide for the distribution of taxes in an amount equal to the rate adopted by the board for its expenses.

(b) Before the department adopts a rule pursuant to subsection (15)(a), it shall present the proposed rule to the appropriate administrative rule review committee.

(16) The distribution to taxing units under this section is statutorily appropriated as provided in 17-7-502. (Terminates June 30, 2011—sec. 10, Ch. 531, L. 2001.)

15-36-324. (Effective July 1, 2011) Distribution of taxes — rules.

(1) For each calendar quarter, the department shall determine the amount of tax, late payment interest, and penalty collected under this part. For purposes of distribution of the taxes to county and school taxing units, the department shall determine the amount of oil and natural gas production taxes paid on production in the taxing unit.

(2) Except as provided in subsections (3) through (5), oil production taxes must be distributed as follows:

(a) The amount equal to 39.3% of the oil production taxes, including late payment interest and penalty, collected under this part must be distributed as provided in subsection (9).

(b) The remaining 60.7% of the oil production taxes, plus accumulated interest earned on the amount allocated under this subsection (2)(b), must be deposited in the state special revenue fund in the state treasury and transferred

to the county and school taxing units for distribution as provided in subsection (12).

(3) The amount equal to 100% of the oil production taxes, including late payment interest and penalty, collected from working interest owners on qualifying production occurring during the first 12 months of production must be distributed as provided in subsection (10).

(4) (a) The amount equal to 100% of the oil production taxes, including late payment interest and penalty, collected from working interest owners on production from horizontally completed wells occurring during the first 18 months of production must be distributed as provided in subsection (10).

(b) The amount equal to 100% of the oil production taxes, including late payment interest and penalty, collected from working interest owners on the incremental production from horizontally recompleted wells occurring during the first 18 months of production must be distributed as provided in subsection (9).

(5) (a) The amount equal to 13.8% of the oil production taxes, including late payment interest and penalty, collected from working interest owners on the first 10 barrels of stripper oil production wells must be distributed as provided in subsection (10).

(b) The remaining 86.2% of the oil production taxes, plus accumulated interest earned on the amount allocated under this subsection (5)(b), must be deposited in the state special revenue fund in the state treasury and transferred to the county and school taxing units for distribution as provided in subsection (12).

(c) The amount equal to 100% of the oil production taxes, including late payment interest and penalty, collected from working interest owners on stripper well exemption production from pre-1999 wells and post-1999 wells must be distributed as provided in subsection (10).

(6) Except as provided in subsections (7) and (8), natural gas production taxes must be allocated as follows:

(a) The amount equal to 14% of the natural gas production taxes, including late payment interest and penalty, collected under this part must be distributed as provided in subsection (11).

(b) The remaining 86% of the natural gas production taxes, plus accumulated interest earned on the amount allocated under this subsection (6)(b), must be deposited in the state special revenue fund in the state treasury and transferred to the county and school taxing units for distribution as provided in subsection (12).

(7) The amount equal to 100% of the natural gas production taxes, including late payment interest and penalty, collected from working interest owners under this part on production from wells occurring during the first 12 months of production must be distributed as provided in subsection (10).

(8) The amount equal to 100% of natural gas production taxes, including late payment interest and penalty, collected from working interest owners on production from horizontally completed wells occurring during the first 18 months of production must be distributed as provided in subsection (10).

(9) The department shall, in accordance with the provisions of 15-1-501, distribute the state portion of oil production taxes specified in subsections (2)(a) and (4)(b), including late payment interest and penalty collected, as follows:

- (a) 86.21% to the state general fund;
- (b) 5.17% to the state special revenue fund for the purpose of paying expenses of the board as provided in 82-11-135; and
- (c) 8.62% to be distributed as follows:
 - (i) 50% to the resource indemnity trust fund of the nonexpendable trust fund type;
 - (ii) 25% to the reclamation and development grants special revenue account established in 90-2-1104; and
 - (iii) 25% to the orphan share account established in 75-10-743.
- (10) The department shall distribute the state portion of oil and natural gas production taxes specified in subsections (3), (4)(a), (5)(a), (5)(c), (7), and (8), including late payment interest and penalty collected, as follows:
 - (a) 37.5% to the state special revenue fund for the purpose of paying expenses of the board as provided in 82-11-135; and
 - (b) 62.5% to be distributed as follows:
 - (i) 50% to the resource indemnity trust fund of the nonexpendable trust fund type;
 - (ii) 25% to the reclamation and development grants special revenue account established by 90-2-1104; and
 - (iii) 25% to the orphan share account established in 75-10-743.
- (11) The department shall, in accordance with the provisions of 15-1-501, distribute the state portion of natural gas production taxes specified in subsection (6)(a), including late payment interest and penalty collected, as follows:
 - (a) 76.8% to the state general fund;
 - (b) 8.7% to the state special revenue fund for the purpose of paying expenses of the board as provided in 82-11-135; and
 - (c) 14.5% to be distributed as follows:
 - (i) 50% to the resource indemnity trust fund of the nonexpendable trust fund type;
 - (ii) 25% to the reclamation and development grants special revenue account established in 90-2-1104; and
 - (iii) 25% to the orphan share account established in 75-10-743.
- (12) (a) By the dates referred to in subsection (13), the department shall, except as provided in subsection (12)(b), calculate and distribute oil and natural gas production taxes received under subsections (2)(b), (5)(b), and (6)(b) to each eligible county in proportion to the oil and natural gas production taxes received under subsections (2)(b), (5)(b), and (6)(b) that are attributable to production in that county.
- (b) The department shall distribute 5% of the oil and natural gas production taxes received under subsections (2)(b), (5)(b), and (6)(b) from pre-1999 wells to eligible counties in proportion to the underfunding that would have occurred from the tax liability distribution of pre-1985 oil and natural gas production taxes for production in calendar year 1997.
- (c) Except as provided in subsection (12)(d), the county treasurer shall distribute the money received under subsection (12)(b) to the taxing units that

levied mills in fiscal year 1990 against calendar year 1988 production in the same manner that all other property tax proceeds were distributed during fiscal year 1990 in the taxing unit, except that a distribution may not be made to a municipal taxing unit.

(d) The board of county commissioners of a county may direct the county treasurer to reallocate the distribution of oil and natural gas production tax money that would have gone to a taxing unit, as provided in subsection (12)(c), to another taxing unit or taxing units, other than an elementary school or high school, within the county under the following conditions:

(i) The county treasurer shall first allocate the oil and natural gas production taxes to the taxing units within the county in the same proportion that all other property tax proceeds were distributed in the county in fiscal year 1990.

(ii) If the allocation in subsection (12)(d)(i) exceeds the total budget for a taxing unit, the commissioners may direct the county treasurer to allocate the excess to any taxing unit within the county.

(e) The board of trustees of an elementary or high school district may reallocate the oil and natural gas production taxes distributed to the district by the county treasurer under the following conditions:

(i) The district shall first allocate the oil and natural gas production taxes to the budgeted funds of the district in the same proportion that all other property tax proceeds were distributed in the district in fiscal year 1990.

(ii) If the allocation under subsection (12)(e)(i) exceeds the total budget for a fund, the trustees may allocate the excess to any budgeted fund of the school district.

(f) The county treasurer shall distribute oil and natural gas production taxes received under subsection (12)(a) between county and school taxing units in the relative proportions required by the levies for state, county, and school district purposes in the same manner as property taxes were distributed in the preceding fiscal year.

(g) The allocation to the county in subsection (12)(f) must be distributed by the county treasurer in the relative proportions required by the levies for county taxing units and in the same manner as property taxes were distributed in the preceding fiscal year.

(h) The money distributed in subsection (12)(f) that is required for the county mill levies for school district retirement obligations and transportation schedules must be deposited to the funds established for these purposes.

(i) The oil and natural gas production taxes distributed under subsection (12)(c) that are required for the 6-mill university levy imposed under 20-25-423 and for the county equalization levies imposed under 20-9-331 and 20-9-333, as those sections read on July 1, 1989, must be remitted by the county treasurer to the department.

(j) The oil and natural gas production taxes distributed under subsection (12)(f) that are required for the 6-mill university levy imposed under 20-25-423, for the county equalization levies imposed under 20-9-331 and 20-9-333, and for the state equalization aid levy imposed under 20-9-360 must be remitted by the county treasurer to the department.

(k) The amount of oil and natural gas production taxes remaining after the treasurer has remitted the amounts determined in subsections (12)(i) and (12)(j) is for the exclusive use and benefit of the county and school taxing units.

(13) The department shall remit the amounts to be distributed in subsection (12) to the county treasurer by the following dates:

(a) On or before August 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending March 31 of the current year.

(b) On or before November 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending June 30 of the current year.

(c) On or before February 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending September 30 of the previous year.

(d) On or before May 1 of each year, the department shall remit to the county treasurer oil and natural gas production tax payments received for the calendar quarter ending December 31 of the previous calendar year.

(14) The department shall provide to each county by May 31 of each year the amount of gross taxable value represented by all types of production taxed under 15-36-304 for the previous calendar year multiplied by 60%. The resulting value must be treated as taxable value for county classification purposes.

(15) (a) In the event that the board revises the privilege and license tax pursuant to 82-11-131, the department shall, by rule, change the formula under this section for distribution of taxes collected under 15-36-304. The revised formula must provide for the distribution of taxes in an amount equal to the rate adopted by the board for its expenses.

(b) Before the department adopts a rule pursuant to subsection (15)(a), it shall present the proposed rule to the appropriate administrative rule review committee.

(16) The distribution to taxing units under this section is statutorily appropriated as provided in 17-7-502."

Section 3. Section 15-37-117, MCA, is amended to read:

"15-37-117. Disposition of metalliferous mines license taxes. (1) Metalliferous mines license taxes collected under the provisions of this part must, in accordance with the provisions of 15-1-501, be allocated as follows:

(a) to the credit of the general fund of the state, *for the fiscal year ending June 30, 2003, 65% and for the fiscal years beginning on or after July 1, 2003, 58%* of total collections each year;

(b) to the state special revenue fund to the credit of a hard-rock mining impact trust account, 2.5% of total collections each year;

(c) to the hard-rock mining reclamation debt service fund created in 82-4-312, 8.5% of total collections each year;

(d) to the reclamation and development grants program state special revenue account, *for the fiscal years beginning on or after July 1, 2003, 7%* of total collections each year; and

(e) on or before June 1, to the county or counties identified as experiencing fiscal and economic impacts, resulting in increased employment or local

government costs, under an impact plan for a large-scale mineral development prepared and approved pursuant to 90-6-307, in direct proportion to the fiscal and economic impacts determined in the plan or, if an impact plan has not been prepared, to the county in which the mine is located, 24% of total collections each year, to be allocated by the county commissioners as follows:

(i) not less than 37.5% to the county hard-rock mine trust reserve account established in 7-6-2225; and

(ii) all money not allocated to the account pursuant to subsection (1)(e)(i) to be further allocated as follows:

(A) 33 1/3% is allocated to the county for planning or economic development activities;

(B) 33 1/3% is allocated to the elementary school districts within the county that have been affected by the development or operation of the metal mine; and

(C) 33 1/3% is allocated to the high school districts within the county that have been affected by the development or operation of the metal mine.

(2) When an impact plan for a large-scale mineral development approved pursuant to 90-6-307 identifies a jurisdictional revenue disparity, the county shall distribute the proceeds allocated under subsection (1)(e) in a manner similar to that provided for property tax sharing under Title 90, chapter 6, part 4.

(3) The department shall return to the county in which metals are produced the tax collections allocated under subsection (1)(e). The allocation to the county described by subsection (1)(e) is a statutory appropriation pursuant to 17-7-502."

Section 4. Section 2, Chapter 557, Laws of 1999, is amended to read:

"Section 2. Capital projects appropriations. (1) Except as provided in subsection (4)(c), the following money is appropriated for the indicated capital projects from the indicated sources to the department of administration, which is authorized to transfer the appropriated money among the necessary fund types for these projects:

Agency/Project	LRBP	Other Funding Sources
DEPARTMENT OF ADMINISTRATION		
Health and Safety Projects, State wide	\$730,000	\$ 250,000 Auxiliary
Hazardous Material Remediation, Statewide	300,000	
Roof Replacements or Repairs, State wide	521,000	
Facility Assessments, Statewide	100,000	50,000 State Special Revenue
		100,000 Federal Special Revenue
		50,000 Auxiliary
Capital Renovation		1,000,000 Capitol Land Grant Revenue
Renovate Haynes Gallery Area, Historical Society		1,000,000 Donations
DEPARTMENT OF CORRECTIONS		
Expand Women's Prison, MWP		6,475,000 Federal Special Revenue
Missoula Regional Correctional Facility Supplemental		526,497 Federal Special Revenue
Construct Reception Unit, MSP		5,500,000 Federal Special Revenue
		170,000 General Fund
DEPARTMENT OF FISH, WILD LIFE AND PARKS		
Bluewater Hatchery Renovations		200,000 State Special Revenue

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Construct Fort Peck Fish Hatchery	14,640,000	Federal Special Revenue
DEPARTMENT OF MILITARY AFFAIRS		
Construct New Armory, Kalispell	3,900,000	Federal Special Revenue
Construct New Armory, Bozeman	4,600,000	Federal Special Revenue
MONTANA UNIVERSITY SYSTEM		
Sprinkle Library, UM-Missoula	657,000 602,000	
Ventilate and Update Fine Arts Building, UM-Missoula	450,000	
Boiler Upgrade and Ventilation, UM-Tech	530,000	120,000 Auxiliary
Maintain HVAC Systems, MSU-Billings and COT-Billings	500,000	
Replace Steam Distribution Piping, UM-Dillon	800,000	400,000 Auxiliary
Upgrade Boiler Controls, UM-Missoula	125,000	100,000 Auxiliary
Roof Replacements or Repairs, University System	1,591,000	
Maintain Main Hall Exterior, UM-Dillon	225,000	
Renovate Cowan Hall, MSU-Northern	511,000	
Addition to Paxson Gallery, UM-Missoula	2,500,000	Higher Education Funds, Federal, Donations, Grants, Plant Funds
Applied Technology Center Feasibility Study, MSU-Northern	50,000	
Construct Nondenominational Chapel, UM-Tech	1,500,000	Donations
Forestry/Journalism Addition, UM-Missoula	10,000,000	Federal, Donations, Grants, Plant Funds
Native American Study Center, UM-Missoula	3,500,000	Higher Education Funds, Federal, Donations, Grants, Plant Funds
Life Sciences Building, UM-Missoula	23,000,000	Federal, State, Donations, Grants, Plant Funds
Rural Technology Education Center, UM-Dillon	350,000	Higher Education Funds, Federal, Donations, Grants, Plant Funds
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION		
Lincoln Unit Office/Quarters and Clearwater Egress	125,000	
DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES		
Sprinkle MMHNCC, Lewistown	300,000 195,000	
Construct Special Care Unit, Montana Veterans' Home	1,179,374	State Special Revenue
Improve Eastern Montana Veterans' Home	290,250	State Special Revenue
Improve Montana Veterans' Home	187,530	State Special Revenue
DEPARTMENT OF TRANSPORTATION		
Construct Equipment Storage Buildings and Roof Replacement at Helena Headquarters, Statewide	2,100,000	Highways State Special Revenue
Construct Core Drilling Building, Helena	1,000,000	Highways State Special Revenue

(2) In the event one or both of the national guard armories located in Bozeman and Whitefish, Montana, and approved in House Bill No. 14 for

replacement are sold prior to construction of the new Bozeman and Kalispell armories, the proceeds of the sale that were deposited to the general fund are appropriated for replacement construction up to a maximum of \$4,000,000 and the bond authority in House Bill No. 14 is reduced by a like amount.

(3) The department of public health and human services is seeking federal funds for use in the construction of the special care unit, Montana veterans' home. If federal funds become available for this purpose, the department shall reimburse funds from the state special revenue account used to build the new unit. The total amount approved for the project from all sources is \$1,179,374.

(4) (a) The 56th legislature authorizes four department of corrections' capital construction projects in the 2001 biennium. Funding for the projects is contained in House Bill No. 14 and subsection (1) of this section. The total project cost and the authorized funding for each project are as follows:

(i) \$9,375,000 for the women's prison expansion in Billings, funded by \$2,900,000 of general obligation bond proceeds authorized in House Bill No. 14 and by \$6,475,000 of federal funds appropriated in subsection (1) of this section;

(ii) \$2,225,000 for completing the Pine Hills youth correctional facility in Miles City, funded from general obligation bond proceeds authorized in House Bill No. 14;

(iii) \$5,670,000 to construct a reception unit at Montana state prison in Deer Lodge, funded by \$170,000 of general fund money and by \$5,500,000 of federal funds appropriated in subsection (1) of this section; and

(iv) \$3,000,000 for security improvements and expanding the Wallace building at Montana state prison in Deer Lodge, funded from general obligation bond proceeds authorized in House Bill No. 14.

(b) The 56th legislature notes that approximately \$8,714,600 of federal department of justice funds are anticipated to become available for capital construction projects for the department of corrections in the 2001 biennium. It is the intent of the 56th legislature that the federal funds be used to the maximum extent possible. It is further the intent of the 56th legislature that the priority for using these federal funds is:

(i) up to \$6,475,000 for the women's prison expansion project, line-itemed in subsection (1);

(ii) up to \$526,497 for the Missoula regional correctional facility supplemental; and

(iii) up to \$5,500,000 for the construction of the reception unit at Montana state prison, line-itemed in subsection (1).

(c) (i) It is the intent of the legislature that the department of corrections may not accept federal funds for capital construction unless all conditions necessary to receive the federal dollars have been irrevocably met in advance of the expenditure of the federal funds.

(ii) It is further the intent of the legislature that federal spending authority for a capital construction project may be used only for the project identified in the law authorizing the project and may not be used for any other project.

(5) The appropriation for the Fort Peck fish hatchery in subsection (1) is contingent upon passage and approval of House Bill No. 20.

(6) The 56th legislature authorizes the construction of the rural technology education center at western Montana college of the university of Montana at a

total project cost of \$4,520,000. Subsection (1) of this section contains \$350,000 in other revenue authority for this project, and House Bill No. 14 contains \$4,170,000 in general obligation bond authority for this project. In the event that other additional funds become available for this project during its construction, the general obligation bond authority in House Bill No. 14 must be reduced by a like amount and other revenue authority is increased by a like amount in subsection (1) of this section for the same purpose.”

Section 5. Section 2, Chapter 573, Laws of 2001, is amended to read:

“Section 2. Capital projects appropriations. (1) The following money is appropriated for the indicated capital projects from the indicated sources to the department of administration, which is authorized to transfer the appropriated money among the necessary fund types for these projects:

Agency/Project	LRBP	Other Funding Sources
DEPARTMENT OF ADMINISTRATION		
Life Safety Projects, State wide	\$400,000	\$
Hazardous Material Mitigation Fund	550,000 250,000	
Roof Replacements or Repairs, State wide	499,000 399,000	
Project Litigation Fund	475,000	
Capitol Complex Land Acquisition		400,000 Capitol Land Grant Revenue
DEPARTMENT OF CORRECTIONS		
Construction of Central Reception Unit	1,000,000	Federal Special Revenue
DEPARTMENT OF FISH, WILD LIFE, AND PARKS		
Administrative Facility Repair and Maintenance	764,000	State Special Revenue
DEPARTMENT OF JUSTICE		
Upgrade Foundations and Boiler, MLEA	200,000	
DEPARTMENT OF MILITARY AFFAIRS		
Construct New Dillon Armory	3,800,000	Federal Special Revenue
Construct New Kalispell Armory	3,700,000	Federal Special Revenue
MONTANA UNIVERSITIES AND COLLEGES		
Replace Primary Power Distribution System, UM-Dillon	162,750	59,375 Auxiliary
Roof Replacements or Repairs, University System	426,000	
Heating Plant Steam Distribution, Phase II, UM-Tech	438,750	236,250 Auxiliary
Chemistry Building Addition, UM-Missoula		3,200,000 Federal, Donations, Grants, Nonstate Funds, Plant Funds
All operating and maintenance expenses of the chemistry building addition are to be paid by the university of Montana-Missoula. Appropriation authority in excess of funds pledged for this project as of June 30, 2003, must be reverted.		
Master Plan Campuses, University System	100,000 16,000	150,000 Higher Education Funds, Federal, Donations, Grants, Plant Funds

This project will focus on maximizing use of existing buildings on the campuses.

Animal and Range Science Facility, MSU-Bozeman	5,000,000	Higher Education Funds, Federal, Donations, Grants, Nonstate Funds, Plant Funds
Gaines Hall Renovation/Addition Project Design, MSU-Bozeman	2,000,000	Federal, Donations, Grants, Nonstate Funds, Plant Funds
Agricultural Experiment Station, MSU-Bozeman	1,000,000	Federal, Donations, Grants, Nonstate Funds, Plant Funds
Develop Classroom/Lab Design, MSU-COT, Billings	50,000	
Multi Media Center, Yellow Bay, UM-Missoula	1,350,000	Federal, Donations, Grants, Nonstate Funds, Plant Funds

All construction, operation, and maintenance expenses of the Yellow Bay multimedia center are to be paid by the center.

Law Building Renovation/Expansion, UM-Missoula	5,000,000	Federal, Donations, Grants, Nonstate Funds, Plant Funds
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All operating and maintenance expenses of the law building addition are to be paid by the university of Montana-Missoula.

School of Journalism Building, UM-Missoula	12,000,000	Federal, Donations, Grants, Nonstate Funds, Plant Funds
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Appropriation authority in excess of funds pledged for this project as of June 30, 2005, must be reverted. All operating and maintenance expenses of the school of journalism building are to be paid by the university of Montana-Missoula.

Construct Applied Technology Center, MSU-Northern	3,000,000	Federal, Donations, Grants, Nonstate Funds, Plant Funds
Install PBS Digital Conversion, MSU-Bozeman	3,059,455	Federal, Donations, Grants, Nonstate Funds, Plant Funds

The university system and the information services division of the department of administration will work together to develop network plans or procedures that provide for the highest degree of bandwidth and cost-sharing capability between the university system and the department that is within technical specifications agreed to by the parties and is mutually beneficial to them. This obligation to cooperate and coordinate for the purpose of seeking mutually beneficial network arrangements applies to the intercity transport services acquired by the university system or the department of administration to meet the needs of the public broadcast system, including the utilization and sharing of excess capacity bandwidth to help meet the telecommunication needs of all state agencies in a manner that is both cost-effective and compatible with the efficient operation of the public broadcast system.

Develop Design to Expand COT, UM-COT, Helena	125,000	
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION		
Expand Unit Office, Libby	94,000	
DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES		
Licensure Compliance, MMHNCC	524,000	

Montana Veterans' Home Improvements, Columbia Falls	165,875	State Special Revenue
Eastern Montana Veterans' Home Improvements, Glendive	177,800	State Special Revenue

The legislature consents to the construction of the good shepherd chapel at the Montana developmental center in Boulder with donated funds. The construction of the chapel is exempt from provisions of Title 18.

STATE BOARD OF EDUCATION

Facility Improvements, Montana School for the Deaf and Blind	315,160
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DEPARTMENT OF TRANSPORTATION

Construct Equipment Storage Buildings, Statewide	2,700,000	Highways State Special Revenue
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(2) The Montana state university agricultural experiment station shall use these funds to construct and repair various experiment station buildings at the following locations: \$1,250,000 for Huntley, \$180,000 for Moccasin, \$200,000 for Havre, \$210,000 for Sidney, and \$160,000 for Kalispell. The amount of \$1 million for these projects will be funded from non-LRBP sources, and the amount of \$1 million will be funded from CPF in House Bill No. 14.

(3) For purposes of obtaining cash for the construction litigation appropriation authority in subsection (1), the architecture and engineering division of the department of administration may transfer any excess LRBP money from an agency as long as the transfer does not move funds required to complete any authorized agency project.

(4) The following projects are appropriated from the LRBP funding to the department of administration, in addition to the projects listed in subsection (1), by the decrease in bond debt service paid from the LRBP in House Bill No. 14:

Agency/Project	LRBP	Other Funding Sources
DEPARTMENT OF ADMINISTRATION		
Life Safety Projects, Statewide	\$300,000	
Hazardous Material Mitigation, Statewide	90,000	
Roof Replacements or Repairs, Statewide	150,000	
MONTANA UNIVERSITIES AND COLLEGES		
Code Compliance/Deferred Maintenance, All Campuses	550,000	
Develop Design to Expand COT, UM-COT, Helena	240,000 40,000	

Section 6. Effective date. [This act] is effective on passage and approval.

Section 7. Retroactive applicability. [This act] applies retroactively, within the meaning of 1-2-109, to July 1, 2002.

Section 8. Termination. (1) [Section 1] terminates June 30, 2005.

(2) [Section 2] terminates June 30, 2011.

Approved August 16, 2002

CHAPTER NO. 13

[HB 18]

AN ACT REDUCING THE GENERAL FUND SHORTFALL IN REVENUE BY GENERALLY REVISING AND CLARIFYING THE LAWS RELATING TO REVENUE COLLECTION AND ALLOCATION FOR STATE GOVERNMENT AND LOCAL GOVERNMENTS; PROVIDING THAT THE TITLING FEE FOR MANUFACTURED HOMES BE DEPOSITED IN THE STATE GENERAL FUND; CLARIFYING THE ENTITLEMENT SHARE OF LOCAL GOVERNMENTS; PROVIDING A PENALTY AND INTEREST FEE FOR LATE PAYMENT OF LIVESTOCK PER CAPITA FEES; ALLOWING A NEGOTIATED FEE FOR COLLECTION OF LIVESTOCK PER CAPITA FEES; ELIMINATING THE ALLOCATION OF COAL SEVERANCE TAXES FOR COUNTY LAND PLANNING; PROVIDING FOR DEPOSIT OF GAMING LAW VIOLATION PENALTIES IN THE STATE GENERAL FUND; ELIMINATING THE STATUTORY APPROPRIATION OF GAMING VIOLATION PENALTIES; CLARIFYING THE COLLECTION AND ALLOCATION OF FEES BY THE CLERK OF THE DISTRICT COURT; PROVIDING THAT THE MARRIAGE LICENSE RECORDING FEE BE DEPOSITED IN THE STATE GENERAL FUND; ELIMINATING THE COUNTY ADMINISTRATIVE FEE FOR PUBLIC ASSISTANCE PROGRAMS; PROVIDING FOR THE DEPOSIT OF THE PENALTY FEE FOR FAILURE TO APPLY FOR A TRANSFER OF INTEREST IN A MOTOR VEHICLE IN THE STATE GENERAL FUND; PROVIDING THAT TRAILERS AND SEMITRAILERS REGISTERED THROUGH A PROPORTIONAL REGISTRATION AGREEMENT ARE NOT SUBJECT TO THE NORMAL REGISTRATION FEE; PROVIDING FOR THE DEPOSIT OF LATE MOTOR VEHICLE TRANSFER PENALTIES IN THE STATE GENERAL FUND; CLARIFYING THE USE AND DISTRIBUTION OF THE LOCAL OPTION VEHICLE TAX OR FEE; PROVIDING THAT SINGLE MOVEMENT PERMIT FEES FOR VEHICLES BE DEPOSITED IN THE GENERAL FUND; CLARIFYING THE DISPOSITION OF FINES AND FORFEITURES FOR HIGHWAY OFFENSES; PROVIDING THAT UNIFORM PROVISIONS ON PENALTY AND INTEREST APPLY TO LATE HAIL FEE PAYMENTS; ELIMINATING THE TERMINATION DATE FOR THE SPLIT OF THE LOCAL OPTION VEHICLE TAX BETWEEN THE CITIES AND COUNTIES; PROVIDING AN APPROPRIATION FOR REIMBURSING THE CITY OF BOZEMAN FOR ACCRUED GAMING REVENUE; CORRECTING THE COUNTYWIDE SCHOOL RETIREMENT AND TRANSPORTATION BLOCK GRANTS; AMENDING SECTIONS 15-1-111, 15-1-112, 15-1-116, 15-1-121, 15-24-921, 15-24-925, 15-35-108, 15-65-121, 17-7-502, 23-5-123, 23-5-136, 25-1-201, 46-23-1031, 50-15-301, 53-2-207, 61-3-201, 61-3-317, 61-3-321, 61-3-537, 61-3-562, 61-4-310, 61-10-148, 61-12-701, AND 80-2-230, MCA, AND SECTIONS 244, 245, 246, 248, 249, 250, AND 257, CHAPTER 574, LAWS OF 2001; REPEALING SECTIONS 61-4-311 AND 90-1-108, MCA, AND SECTION 4, CHAPTER 749, LAWS OF 1991, SECTION 1, CHAPTER 217, LAWS OF 1993, AND SECTIONS 2 AND 3, CHAPTER 217, LAWS OF 1995; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND RETROACTIVE APPLICABILITY DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-1-111, MCA, is amended to read:

“15-1-111. (Temporary) Reimbursement to local governments and schools — duties of department and county treasurer — statutory appropriation. (1) Prior to September 1, 1990, the department's agent in the county shall supply the following information to the department for each taxing jurisdiction within the county:

- (a) the number of mills levied in the jurisdiction for tax year 1989;
- (b) the number of mills levied in the jurisdiction for tax year 1990;
- (c) the total taxable valuation for tax years 1989 and 1990, reported separately for each year, of all personal property not secured by real property; and
- (d) the total taxable valuation for tax years 1989 and 1990, reported separately for each year, of all personal property secured by real property.

(2) After receipt of the information from its agent, the department shall calculate the amount of revenue lost to each taxing jurisdiction, using current year mill levies, due to the annual reduction in personal property tax rates set forth in 15-6-138, prior to 1994, and any reduction in taxes based upon recalculation of the effective tax rate for property in 15-6-145, prior to 1994. The department shall total the amounts for all taxing jurisdictions within the county.

(3) (a) The department shall remit to the county treasurer 50% of the amount of revenue reimbursable, determined pursuant to subsection (1), on or before November 30 and the remaining 50% on or before May 31.

(b) For tax year 1993 through tax year 1998, the department shall remit to the county treasurer of each county the same amount remitted to the county treasurer for the fiscal year 1991, as adjusted by the result of dissolved or combined taxing jurisdictions, as provided for in subsection (7). Fifty percent of the amount must be remitted on or before November 30 and the remaining 50% on or before May 31.

(c) (i) For tax year 1999 through tax year 2008, the department shall remit to the county treasurer of each county the same amount remitted to the county treasurer for the fiscal year 1991, progressively reduced by 10% of the 1991 amount each year, in accordance with the following schedule:

Tax Year	Percent age of 1991 RemittanceAmount
1999	90
2000	80
2001	70
2002	60
2003	50
2004	40
2005	30
2006	20
2007	10
2008 and fol low ing years	0

(ii) The amount remitted must be adjusted by the result of dissolved or combined taxing jurisdictions, as provided for in subsection (7). Fifty percent of

the amount must be remitted on or before November 30 and the remaining 50% on or before May 31.

(4) Upon receipt of the reimbursement from the department, the county treasurer shall distribute the reimbursement to each taxing jurisdiction as calculated by the department.

(5) (a) For the purposes of this section and subject to subsection (7), "taxing jurisdiction" means a jurisdiction levying mills against personal property and includes but is not limited to a county, city, school district, tax increment financing district, and miscellaneous taxing district ~~and the state of Montana.~~

(b) *The term does not include county or state school equalization levies provided for in 15-10-107, 20-9-331, 20-9-333, 20-9-360, 20-25-423, and 20-25-439.*

(6) The amounts necessary for the administration of this section are statutorily appropriated, as provided in 17-7-502, from the general fund to reimburse eligible taxing jurisdictions for reductions in tax rates on personal property.

(7) The following apply to taxing jurisdictions that were altered after tax year 1989:

(a) A taxing jurisdiction that existed in tax year 1989 and that no longer exists is not entitled to reimbursement under this section.

(b) A taxing jurisdiction that existed in tax year 1989 and that is split into two or more taxing jurisdictions or that is annexed to or is consolidated with another taxing jurisdiction is entitled to reimbursement based on the portion of 1989 taxable value within each new taxing jurisdiction. The department shall determine the portion of 1989 taxable value located in each taxing jurisdiction.

(c) A taxing jurisdiction that did not exist in tax year 1989 is not entitled to reimbursement under this section unless the jurisdiction was created as described in subsection (7)(b). (Repealed effective July 1, 2008—secs. 66(2), 68(2), Ch. 422, L. 1997.)"

Section 2. Section 15-1-112, MCA, is amended to read:

"15-1-112. Business equipment tax rate reduction reimbursement to local government taxing jurisdictions. (1) On or before January 1, 1996, for the reduction in payment under subsection (4) and by June 1 of 1996, 1997, and 1998 for all other reimbursements in this section, the department ~~of revenue~~ shall determine a reimbursement amount associated with reducing the tax rate in 15-6-138 and provide that information to each county treasurer. The reimbursement amount must be determined for each local government taxing jurisdiction that levied mills on the taxable value of property described in 15-6-138 in the corresponding tax year. However, the reimbursement does not apply to property described in 15-6-138 that has a reduced tax rate under 15-24-1402.

(2) (a) The reimbursement amount to be used as the basis for the payment reduction under subsection (4) is the product of multiplying the tax year 1995 taxable value of property described in 15-6-138 for each local government taxing jurisdiction by the tax year 1995 mill levy for the jurisdiction and then multiplying by 1/9th.

(b) (i) The reimbursement amount for each local government taxing jurisdiction for tax year 1996 is the amount determined under subsection (2)(a) unless the tax year 1996 market value of property described in 15-6-138, for the

particular local government taxing jurisdiction, is more than the tax year 1995 market value for property described in 15-6-138 in the same jurisdiction.

(ii) If the tax year 1996 market value is greater than the tax year 1995 market value for a particular jurisdiction, then the reimbursement amount for tax year 1996 is the result of subtracting the simulated 1996 tax from the 1995 tax. The 1995 tax is the tax for the particular jurisdiction, determined by multiplying the actual taxable valuation of property described in 15-6-138, for tax year 1995, by the tax year 1995 mill levy for the jurisdiction. The simulated 1996 tax for the particular jurisdiction is the actual tax year 1996 taxable value of property described in 15-6-138 multiplied by the tax year 1995 mill levy for the particular jurisdiction. If the simulated 1996 tax is greater than the 1995 tax, the reimbursement amount is zero.

(c) (i) The reimbursement amount for each local government taxing jurisdiction for tax year 1997 is the amount determined under subsection (2)(a) multiplied by two unless the tax year 1997 market value of property described in 15-6-138, for the particular local government taxing jurisdiction, is more than the tax year 1995 market value for property described in 15-6-138 in the same jurisdiction.

(ii) If the tax year 1997 market value is greater than the tax year 1995 market value for a particular jurisdiction, then the reimbursement amount for tax year 1997 is the result of subtracting the simulated 1997 tax from the 1995 tax. The 1995 tax is the tax for the particular jurisdiction, determined by multiplying the actual taxable valuation of property described in 15-6-138, for tax year 1995, by the tax year 1995 mill levy for the jurisdiction. The simulated 1997 tax for the particular jurisdiction is the actual tax year 1997 taxable value of property described in 15-6-138 multiplied by the tax year 1995 mill levy for the particular jurisdiction. If the simulated 1997 tax is greater than the 1995 tax, the reimbursement amount is zero.

(d) (i) The reimbursement amount for each local government taxing jurisdiction for tax year 1998 is the amount determined under subsection (2)(a) multiplied by three unless the tax year 1998 market value of property described in 15-6-138, for the particular local government taxing jurisdiction, is more than the tax year 1995 market value for property described in 15-6-138 in the same jurisdiction.

(ii) If the tax year 1998 market value is greater than the tax year 1995 market value for a particular jurisdiction, then the reimbursement amount for tax year 1998 is the result of subtracting the simulated 1998 tax from the 1995 tax. The 1995 tax is the tax for the particular jurisdiction, determined by multiplying the actual taxable valuation of property described in 15-6-138, for tax year 1995, by the tax year 1995 mill levy for the jurisdiction. The simulated 1998 tax for the particular jurisdiction is the actual tax year 1998 taxable value of property described in 15-6-138 multiplied by the tax year 1995 mill levy for the particular jurisdiction. If the simulated 1998 tax is greater than the 1995 tax, the reimbursement amount is zero.

(3) (a) For purposes of this section, "local government taxing jurisdiction" means a local government rather than a state taxing jurisdiction that levied mills against property described in 15-6-138, including county governments, incorporated city and town governments, consolidated county and city governments, tax increment financing districts, local elementary and high school districts, local community college districts, miscellaneous districts, and

special districts. The term includes countywide mills levied for equalization of school retirement or transportation.

(b) The term does not include county or state school equalization levies provided for in 20-9-331, 20-9-333, ~~and~~ 20-9-360, and 20-25-439.

(c) Each tax increment financing district must receive the benefit of the state mill on the incremental taxable value of the district.

(4) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in June of 1996 by an amount equal to 38% of the reimbursement amount determined under subsection (2)(a) for all of the local government taxing jurisdictions in the county.

(5) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in December of 1996 by an amount equal to 31% of the reimbursement amount for tax year 1996 for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).

(6) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in June of 1997 by an amount equal to 31% of the reimbursement amount for tax year 1996 for all of the local government taxing jurisdictions in the county and by an amount equal to 38% of the reimbursement amount for tax year 1997 for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).

(7) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in December of 1997 by an amount equal to 31% of the reimbursement amount for tax year 1997 for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).

(8) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in June of 1998 by an amount equal to 31% of the reimbursement amount for tax year 1997 for all of the local government taxing jurisdictions in the county and by an amount equal to 38% of the reimbursement amount for tax year 1998 for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).

(9) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in December of 1998 by an amount equal to 31% of the reimbursement amount for tax year 1998 for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).

(10) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in June of 1999 by an amount equal to 69% of the reimbursement amount for tax year 1998 for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).

(11) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in December of the years 1999 through 2007 by an amount equal to 31% of the reimbursement amount determined in subsection (13) for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).

(12) County treasurers shall reduce the county payment to the state for the levy imposed under 20-9-360 in June of the years 2000 through 2008 by an

amount equal to 69% of the reimbursement amount determined in subsection (13) for all of the local government taxing jurisdictions in the county, as determined by the department under subsection (2).

(13) (a) The reimbursement amount for tax year 1999 and each subsequent tax year for 9 years must be progressively reduced each year by 10% of the reimbursement amount for tax year 1998, according to the following schedule:

Tax Year	Per cent age of 1998 Reimbursement Amount
1999	90
2000	80
2001	70
2002	60
2003	50
2004	40
2005	30
2006	20
2007	10
2008 and following years	0

(b) The reimbursement amount for each tax year must be the basis for reducing the amount remitted to the state for the levy imposed under 20-9-360 in December of the same year and June of the following year.

(14) The county treasurer shall use the funds from the reduced payment to the state for the levy imposed under 20-9-360 to reimburse each local government taxing jurisdiction in the amount determined by the department under subsection (2). The reimbursement must be distributed to funds within local government taxing jurisdictions in the same manner as taxes on property described in 15-6-138 are distributed. The reimbursement in June must be distributed based on the prior year's mill levy, and the reimbursement in December must be based on the current year's mill levy.

(15) Each local government taxing jurisdiction receiving reimbursements shall consider the amount of reimbursement that will be received and lower the mill levy otherwise necessary to fund the budget by the amount that would otherwise have to be raised by the mill levy.

(16) A local government taxing jurisdiction that ceases to exist after October 1, 1995, will no longer be considered for revenue loss or reimbursement purposes. A local government taxing jurisdiction that is created after January 1, 1996, will not be considered for revenue loss or reimbursement purposes. If a local government taxing jurisdiction that existed prior to January of 1996 is split between two or more taxing jurisdictions or is annexed to or is consolidated with another taxing jurisdiction, the department shall determine how much of the revenue loss and reimbursement is attributed to the new jurisdictions."

Section 3. Section 15-1-116, MCA, is amended to read:

"15-1-116. Manufactured home considered as improvement to real property — requirements. (1) A manufactured home will be considered for tax purposes an improvement to real property if:

(a) the running gear is removed; and

(b) the manufactured home is attached to a permanent foundation on land that is owned or being purchased by the owner of the manufactured home or, if the land is owned by another person, with the permission of the landowner.

(2) To eliminate the certificate of ownership of a manufactured home, an owner may file a statement of intent on a form furnished by the department of justice.

(3) The statement of intent must include:

(a) the serial number of the manufactured home;

(b) the legal description of the real property to which the manufactured home has been permanently attached;

(c) a description of any security interests in the manufactured home; and

(d) approval from all lienholders of the intent to eliminate the title.

(4) The owner shall present the statement of intent to the county treasurer of the county in which the manufactured home is located and shall surrender the certificate of ownership. Upon receipt of a titling fee of \$5, the county treasurer shall issue the owner a duplicate receipt for the surrendered certificate and forward a copy of the statement of intent, the original receipt, and the surrendered certificate to the department of justice. The county treasurer may not issue the receipt unless all taxes, interest, and penalties on the manufactured home have been paid in full. The county treasurer shall:

~~(a) deposit \$1.50 of the titling fee in the county general fund; and~~

~~(b) remit \$3.50 of the titling fee to the department for deposit in the state general fund.~~

(5) Upon the recording of the statement of intent and the receipt of surrender, the manufactured home may not be physically removed without the consent of all persons who have an interest in the manufactured home.

(6) A manufactured home that has been declared an improvement to real property in accordance with this section must be treated by the department and by lending institutions in the same manner as any other residence that is classified as an improvement."

Section 4. Section 15-1-121, MCA, is amended to read:

"15-1-121. Entitlement share payment — appropriation. (1) The amount calculated pursuant to this subsection is each local government's base entitlement share. The department shall estimate the total amount of revenue that each local government received from the following sources for the fiscal year ending June 30, 2001:

(a) personal property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999;

(b) vehicle and boat taxes and fees pursuant to:

(i) Title 23, chapter 2, part 5;

(ii) Title 23, chapter 2, part 6;

(iii) Title 23, chapter 2, part 8;

(iv) 61-3-317;

~~(iv)~~(v) 61-3-321;

~~(v)~~(vi) Title 61, chapter 3, part 5, except for 61-3-509(3), as that subsection read prior to the amendment of 61-3-509 in 2001, ~~and 61-3-537; and~~

- ~~(vi)~~(vii) Title 61, chapter 3, part 7;
 - (viii) 5% of the fees collected under 61-10-122;
 - (ix) 61-10-130;
 - (x) 61-10-148; and
 - (xi) 67-3-205;
 - (c) gaming revenue pursuant to Title 23, chapter 5, part 6, except for the permit fee in 23-5-612(2)(a);
 - (d) district court fees pursuant to:
 - (i) 25-1-201, except those fees in 25-1-201(1)(d), (1)(g), and (1)(j);
 - (ii) 25-1-202;
 - (iii) 25-1-1103;
 - (iv) 25-9-506;
 - (v) 25-9-804; and
 - (vi) 27-9-103;
 - (e) certificate of ownership fees for manufactured homes pursuant to 15-1-116;
 - (f) financial institution taxes pursuant to Title 15, chapter 31, part 7;
 - (g) coal severance taxes allocated for county land planning pursuant to 15-35-108;
 - (h) all beer, liquor, and wine taxes pursuant to:
 - (i) 16-1-404;
 - (ii) 16-1-406; and
 - (iii) 16-1-411;
 - (i) late filing fees pursuant to 61-3-201;
 - (j) title and registration fees pursuant to 61-3-203;
 - (k) disabled veterans' flat license plate fees and purple heart license plate fees pursuant to 61-3-332;
 - (l) county personalized license plate fees pursuant to 61-3-406;
 - (m) special mobile equipment fees pursuant to 61-3-431;
 - (n) single movement permit fees pursuant to 61-4-310;
 - (o) state aeronautics fees pursuant to 67-3-101; and
 - (p) department of natural resources and conservation payments in lieu of taxes pursuant to Title 77, chapter 1, part 5.
- (2) (a) From the amounts estimated in subsection (1) for each county government, the department shall deduct fiscal year 2001 county government expenditures for district courts, less reimbursements for district court expenses, and fiscal year 2001 county government expenditures for public welfare programs to be assumed by the state in fiscal year 2002.
- (b) The amount estimated pursuant to subsections (1) and (2)(a) is each local government's base year component. The sum of all local governments' base year components is the base year entitlement share pool. *For the purpose of calculating the sum of all local governments' base year components, the base year component for a local government may not be less than zero.*

(3) (a) Beginning with fiscal year 2002 and in each succeeding fiscal year, the base year entitlement share pool must be increased annually by a growth rate as provided for in this subsection (3). The amount determined through the application of annual growth rates is the entitlement share pool for each fiscal year. For fiscal years year 2002 and 2003, the growth rate is 3%. For fiscal year 2003, the growth rate is 3% for incorporated cities and towns, 1.61% for counties, and 2.3% for consolidated local governments. Beginning with calendar year 2004, by October 1 of each even-numbered year, the department shall calculate the growth rate of the entitlement share pool for each year of the next biennium in the following manner:

(i) Before applying the growth rate for fiscal year 2004 to determine the fiscal year 2004 entitlement share pool, the department shall add to the fiscal year 2003 entitlement share pool the fiscal year 2003 amount of revenue actually distributed to the county from the 25-cent marriage license fee in 50-15-301 and the probation and parole fee in 46-23-1031(2)(b).

~~(i)(ii)~~ (ii) The department shall calculate the average annual growth rate of the Montana gross state product, as published by the bureau of economic analysis of the United States department of commerce, for the following periods:

(A) the last 4 calendar years for which the information has been published; and

(B) the 4 calendar years beginning with the year before the first year in the period referred to in subsection ~~(3)(a)(i)(A)~~ (3)(a)(ii)(A).

~~(ii)(iii)~~ (iii) The department shall calculate the average annual growth rate of Montana personal income, as published by the bureau of economic analysis of the United States department of commerce, for the following periods:

(A) the last 4 calendar years for which the information has been published; and

(B) the 4 calendar years beginning with the year before the first year in the period referred to in subsection ~~(3)(a)(ii)(A)~~ (3)(a)(iii)(A).

(b) (i) For fiscal year 2004 and subsequent fiscal years, the entitlement share pool growth rate for the first year of the biennium must be the following percentage of the average of the growth rates calculated in subsections ~~(3)(a)(i)(B)~~ (3)(a)(ii)(B) and ~~(3)(a)(ii)(B)~~ (3)(a)(iii)(B):

(A) for counties, 54%;

(B) for consolidated local governments, 62%; and

(C) for incorporated cities and towns, 70%.

(ii) The entitlement share pool growth rate for the second year of the biennium must be the following percentage of the average of the growth rates calculated in subsections ~~(3)(a)(i)(A)~~ (3)(a)(ii)(A) and ~~(3)(a)(ii)(A)~~ (3)(a)(iii)(A):

(A) for counties, 54%;

(B) for consolidated local governments, 62%; and

(C) for incorporated cities and towns, 70%.

(4) As used in this section, "local government" means a county, a consolidated local government, an incorporated city, and an incorporated town. A local government does not include a tax increment financing district provided for in subsection (6). For purposes of calculating the base year component for a county or consolidated local government, the department shall include the

revenue listed in subsection (1) for all special districts within the county or consolidated local government. The county or consolidated local government is responsible for making an allocation from the county's or consolidated local government's share of the entitlement share pool to each special district within the county or consolidated local government in a manner that reasonably reflects each special district's loss of revenue sources listed in subsection (1).

(5) (a) The entitlement share pools calculated in this section and the block grants provided for in subsection (6) are statutorily appropriated, as provided in 17-7-502, from the general fund to the department for distribution to local governments. Each local government is entitled to a pro rata share of each year's entitlement share pool based on the local government's base component in relation to the base year entitlement share pool. The distributions must be made on a quarterly basis beginning September 15, 2001.

(b) (i) For fiscal year 2002, the growth amount is the difference between the fiscal year 2002 entitlement share pool and the base year entitlement share pool. *For fiscal year 2002, a county may have a negative base year component.* For fiscal year 2003 and each succeeding fiscal year, the growth amount is the difference between the entitlement share pool in the current fiscal year and the entitlement share pool in the previous fiscal year. *For the purposes of subsection (5)(b)(ii)(A), a county with a negative base year component has a base year component of zero.* The growth factor in the entitlement share must be calculated separately for:

- (A) counties;
- (B) consolidated local governments; and
- (C) incorporated cities and towns.

(ii) In each fiscal year, the growth amount for counties must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each county's percentage of the base year entitlement share pool for all counties; and

(B) 50% of the growth amount must be allocated based upon the percentage that each county's population bears to the state population not residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iii) In each fiscal year, the growth amount for consolidated local governments must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each consolidated local government's percentage of the base year entitlement share pool for all consolidated local governments; and

(B) 50% of the growth amount must be allocated based upon the percentage that each consolidated local government's population bears to the state's total population residing within consolidated local governments as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(iv) In each fiscal year, the growth amount for incorporated cities and towns must be allocated as follows:

(A) 50% of the growth amount must be allocated based upon each incorporated city's or town's percentage of the base year entitlement share pool for all incorporated cities and towns; and

(B) 50% of the growth amount must be allocated based upon the percentage that each city's or town's population bears to the state's total population residing within incorporated cities and towns as determined by the latest interim year population estimates from the Montana department of commerce as supplied by the United States bureau of the census.

(v) In each fiscal year, the amount of the entitlement share pool not represented by the growth amount is distributed to each local government in the same manner as the entitlement share pool was distributed in the prior fiscal year.

(vi) For fiscal year 2002, an amount equal to the district court costs identified in subsection (2) must be added to each county government's distribution from the entitlement share pool.

(vii) For fiscal year 2002, an amount equal to the district court fees identified in subsection (1)(d) must be subtracted from each county government's distribution from the entitlement share pool.

(6) (a) If a tax increment financing district was not in existence during the fiscal year ending June 30, 2000, then the tax increment financing district is not entitled to any block grant. If a tax increment financing district referred to in subsection (6)(b) terminates, then the block grant provided for in subsection (6)(b) terminates.

(b) One-half of the payments provided for in this subsection (6)(b) must be made by November 30 and the other half by May 31 of each year. Subject to subsection (6)(a), the entitlement share for tax increment financing districts is as follows:

Cascade	Great Falls - down town	\$468,966
Deer Lodge	TIF District 1	3,148
Deer Lodge	TIF District 2	3,126
Flathead	Kalispell - District 1	758,359
Flathead	Kalispell - District 2	5,153
Flathead	Kalispell - District 3	41,368
Flathead	Whitefish District	164,660
Gallatin	Bozeman - down town	34,620
Lewis and Clark	Helena - #2	731,614
Missoula	Missoula - 1-1B & 1-1C	1,100,507
Missoula	Missoula - 4-1C	33,343
Silver Bow	Butte - up town	283,801
Yellowstone	Billings	436,815

(c) The entitlement share for industrial tax increment financing districts is as follows:

(i) for fiscal years 2002 and 2003:

Missoula County	Airport Industrial	\$4,812
Silver Bow	Ramsay Industrial	597,594;

(ii) for fiscal years 2004 and 2005:

Missoula	County Airport Industrial	\$2,406
Silver Bow	Ramsay Industrial	298,797; and

(iii) \$0 for all succeeding fiscal years.

(d) The entitlement share for industrial tax increment financing districts referred to in subsection (6)(c) may not be used to pay debt service on tax increment bonds to the extent that the bonds are secured by a guaranty, a letter of credit, or a similar arrangement provided by or on behalf of an owner of property within the tax increment financing industrial district.

(e) One-half of the payments provided for in subsection (6)(c) must be made by July 30, and the other half must be made in December of each year.

(7) The estimated base year entitlement share pool and any subsequent entitlement share pool for local governments do not include revenue received from countywide transportation block grants or from countywide retirement block grants.

(8) The estimates for the base year entitlement share pool in subsection (1) must be calculated as if the fees in Chapter 515, Laws of 1999, were in effect for all of fiscal year 2001.

(9) (a) If revenue that is included in the sources listed in subsections (1)(b) through (1)(p) is significantly reduced, except through legislative action, the department shall deduct the amount of revenue loss from the entitlement share pool beginning in the succeeding fiscal year and the department shall work with local governments to propose legislation to adjust the entitlement share pool to reflect an allocation of the loss of revenue.

(b) For the purposes of subsection (9)(a), a significant reduction is a loss that causes the amount of revenue received in the current year to be less than 95% of the amount of revenue received in the base year.

(10) A three-fifths vote of each house is required to reduce the amount of the entitlement share calculated pursuant to subsections (1) through (3).

(11) When there has been an underpayment of a local government's share of the entitlement share pool, the department shall distribute the difference between the underpayment and the correct amount of the entitlement share. When there has been an overpayment of a local government's entitlement share, the local government shall remit the overpaid amount to the department.

(12) A local government may appeal the department's estimation of the base year component, the entitlement share pool growth rate, or a local government's allocation of the entitlement share pool, according to the uniform dispute review procedure in 15-1-211."

Section 5. Section 15-24-921, MCA, is amended to read:

"15-24-921. Per capita fee to pay expenses of enforcing livestock laws. (1) In addition to appropriations made for those purposes, a per capita fee is authorized and directed to be imposed by the department on all poultry and bees, all swine 3 months of age or older, and all other livestock 9 months of age or older in each county of this state for the purpose of aiding in the payment of the salaries and all expenses connected with the enforcement of the livestock laws of the state and for the payment of bounties on wild animals as provided in 81-7-104.

(2) The per capita fee is due on November 30 of each year. The penalty and interest provisions contained in 15-1-216 apply to late payments of the fee.

(2)(3) As used in this section, "livestock" means cattle, sheep, swine, poultry, bees, goats, horses, mules, asses, llamas, alpacas, domestic bison, ostriches, rheas, and emus, and domestic ungulates."

Section 6. Section 15-24-925, MCA, is amended to read:

"15-24-925. Reimbursement to department — transmission of fees to state. (1) The department may withhold 2% of the money received under 15-24-921 as reimbursement for the collection of the fee on livestock; *unless a different percentage of money to be withheld is mutually agreed upon by the department and the department of livestock on an annual basis.*

(2) The department shall designate the amount received from the fee imposed on sheep and the amount received from the fee imposed on all other livestock and shall specify the separate amounts in the report to the department of livestock. The money, when received by the department, must be deposited in an account in the special revenue fund to the credit of the department of livestock. The money in the account must be kept separate from other funds received by the department of livestock."

Section 7. Section 15-35-108, MCA, is amended to read:

"15-35-108. (Temporary) Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of 15-1-501, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) Twelve percent of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of ~~8.36%~~ 7.75% must be credited to an account in the state special revenue fund to be allocated by the legislature for local impacts, ~~county land planning,~~ provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made only from this account. Money may not be transferred from this account to another account other than the general fund. Any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) (a) Subject to subsections (7)(b) and (7)(c), all other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state.

(b) The interest income from \$140 million of the coal severance tax permanent fund that is deposited in the general fund is statutorily appropriated, as provided in 17-7-502, on an annual basis as follows:

(i) \$65,000 to the cooperative development center;

(ii) \$1.25 million for the growth through agriculture program provided for in Title 90, chapter 9;

(iii) to the department of commerce:

(A) \$125,000 for a small business development center;

(B) \$50,000 for a small business innovative research program;

(C) \$425,000 for certified communities;

(D) \$200,000 for the Montana manufacturing extension center at Montana state university-Bozeman; and

(E) \$300,000 for export trade enhancement;

(iv) \$350,000 to the office of economic development for business recruitment and retention; and

(v) \$600,000 to the department of administration for the purpose of reimbursing tax increment financing industrial districts as provided in 7-15-4299. Reimbursement must be made to qualified districts on a proportional basis to the loss of taxable value as a result of Chapter 285, Laws of 1999, and as documented by the department of revenue. This documentation must be provided to the budget director and to the legislative fiscal analyst. The reimbursement may not be used to pay debt service on tax increment bonds to the extent that the bonds are secured by a guaranty, a letter of credit, or a similar arrangement provided by or on behalf of an owner of property within the district.

(c) Beginning July 1, 2001, there is transferred annually from the interest income referred to in subsection (7)(b) \$4.85 million to the research and commercialization state special revenue account created in 90-3-1002. (Terminates June 30, 2005—sec. 10(2), Ch. 10, Sp. L. May 2000.)

15-35-108. (Effective July 1, 2005) Disposal of severance taxes. Severance taxes collected under this chapter must, in accordance with the provisions of 15-1-501, be allocated as follows:

(1) Fifty percent of total coal severance tax collections is allocated to the trust fund created by Article IX, section 5, of the Montana constitution. The trust fund money must be deposited in the fund established under 17-6-203(6) and invested by the board of investments as provided by law.

(2) Twelve percent of coal severance tax collections is allocated to the long-range building program account established in 17-7-205.

(3) The amount of ~~8.36%~~ 7.75% must be credited to an account in the state special revenue fund to be allocated by the legislature for local impacts, ~~county land planning~~, provision of basic library services for the residents of all counties through library federations and for payment of the costs of participating in regional and national networking, conservation districts, and the Montana Growth Through Agriculture Act. Expenditures of the allocation may be made

only from this account. Money may not be transferred from this account to another account other than the general fund. Any unreserved fund balance at the end of each fiscal year must be deposited in the general fund.

(4) The amount of 1.27% must be allocated to a permanent fund account for the purpose of parks acquisition or management. Income from this permanent fund account, excluding unrealized gains and losses, must be appropriated for the acquisition, development, operation, and maintenance of any sites and areas described in 23-1-102.

(5) The amount of 0.95% must be allocated to the debt service fund type to the credit of the renewable resource loan debt service fund.

(6) The amount of 0.63% must be allocated to a trust fund for the purpose of protection of works of art in the capitol and for other cultural and aesthetic projects. Income from this trust fund account, excluding unrealized gains and losses, must be appropriated for protection of works of art in the state capitol and for other cultural and aesthetic projects.

(7) All other revenue from severance taxes collected under the provisions of this chapter must be credited to the general fund of the state."

Section 8. Section 15-65-121, MCA, is amended to read:

"15-65-121. (Temporary) Distribution of tax proceeds. (1) The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 15-1-501, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 15-1-501 and as provided in subsections (1)(a) through (1)(e) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The amount deducted must be deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies. The amount of \$400,000 each year must be deposited in the Montana heritage preservation and development account provided for in 22-3-1004. *For the fiscal year ending June 30, 2003, the amount of \$1.7 million must be deposited in the state general fund.* The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation, deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies, or deposited in the heritage preservation and development account is statutorily appropriated, as provided in 17-7-502, and must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical society, to the university system, and to the department of fish, wildlife, and parks, as follows:

(a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

(b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;

(c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;

(d) 67.5% to be used directly by the department of commerce; and

(e) (i) except as provided in subsection (1)(e)(ii), 22.5% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and

(ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district.

(2) If a city, consolidated city-county, resort area, or resort area district qualifies under this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

(3) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials. (Terminates July 1, 2007—sec. 3, Ch. 469, L. 2001.)

15-65-121. (Effective July 1, 2007) Distribution of tax proceeds. (1)

The proceeds of the tax imposed by 15-65-111 must, in accordance with the provisions of 15-1-501, be deposited in an account in the state special revenue fund to the credit of the department. The department may spend from that account in accordance with an expenditure appropriation by the legislature based on an estimate of the costs of collecting and disbursing the proceeds of the tax. Before allocating the balance of the tax proceeds in accordance with the provisions of 15-1-501 and as provided in subsections (1)(a) through (1)(e) of this section, the department shall determine the expenditures by state agencies for in-state lodging for each reporting period and deduct 4% of that amount from the tax proceeds received each reporting period. The amount deducted must be deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies. The balance of the tax proceeds received each reporting period and not deducted pursuant to the expenditure appropriation or deposited in the fund or funds from which in-state lodging expenditures were paid by state agencies is statutorily appropriated, as provided in 17-7-502, and must be transferred to an account in the state special revenue fund to the credit of the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials, to the Montana historical society, to the university system, and to the department of fish, wildlife, and parks, as follows:

(a) 1% to the Montana historical society to be used for the installation or maintenance of roadside historical signs and historic sites;

(b) 2.5% to the university system for the establishment and maintenance of a Montana travel research program;

(c) 6.5% to the department of fish, wildlife, and parks for the maintenance of facilities in state parks that have both resident and nonresident use;

(d) 67.5% to be used directly by the department of commerce; and

(e) (i) except as provided in subsection (1)(e)(ii), 22.5% to be distributed by the department to regional nonprofit tourism corporations in the ratio of the proceeds collected in each tourism region to the total proceeds collected statewide; and

(ii) if 22.5% of the proceeds collected annually within the limits of a city, consolidated city-county, resort area, or resort area district exceeds \$35,000, 50% of the amount available for distribution to the regional nonprofit tourism corporation in the region where the city, consolidated city-county, resort area, or resort area district is located, to be distributed to the nonprofit convention and visitors bureau in that city, consolidated city-county, resort area, or resort area district.

(2) If a city, consolidated city-county, resort area, or resort area district qualifies under this section for funds but fails to either recognize a nonprofit convention and visitors bureau or submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds must be allocated to the regional nonprofit tourism corporation in the region in which the city, consolidated city-county, resort area, or resort area district is located.

(3) If a regional nonprofit tourism corporation fails to submit and gain approval for an annual marketing plan as required in 15-65-122, then those funds otherwise allocated to the regional nonprofit tourism corporation may be used by the department of commerce for tourism promotion and promotion of the state as a location for the production of motion pictures and television commercials.”

Section 9. Section 17-7-502, MCA, is amended to read:

“17-7-502. Statutory appropriations — definition — requisites for validity. (1) A statutory appropriation is an appropriation made by permanent law that authorizes spending by a state agency without the need for a biennial legislative appropriation or budget amendment.

(2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with both of the following provisions:

(a) The law containing the statutory authority must be listed in subsection (3).

(b) The law or portion of the law making a statutory appropriation must specifically state that a statutory appropriation is made as provided in this section.

(3) The following laws are the only laws containing statutory appropriations: 2-15-151; 2-17-105; 5-13-403; 10-3-203; 10-3-310; 10-3-312; 10-3-314; 10-4-301; 15-1-111; 15-1-113; 15-1-121; 15-23-706; 15-35-108; 15-36-324; 15-37-117; 15-38-202; 15-65-121; 15-70-101; 17-3-106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-304; 18-11-112; 19-3-319; 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 20-8-107; 20-9-534; 20-26-1503; 22-3-1004; ~~23-5-136~~; 23-5-306; 23-5-409; 23-5-612; 23-5-631; 23-7-301; 23-7-402; 37-43-204; 37-51-501; 39-71-503; 42-2-105; 44-12-206; 44-13-102; 50-4-623; 53-6-703; 53-24-206; 69-8-702; 75-1-1101; 75-5-1108; 75-6-214; 75-11-313; 80-2-222; 80-4-416; 80-5-510; 80-11-518; 82-11-161; 87-1-513; 90-3-1003; 90-6-710; and 90-9-306.

(4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing, paying, and securing all bonds, notes, or other

obligations, as due, that have been authorized and issued pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have statutory appropriation authority for the payments. (In subsection (3): pursuant to Ch. 422, L. 1997, the inclusion of 15-1-111 terminates on July 1, 2008, which is the date that section is repealed; pursuant to sec. 10, Ch. 360, L. 1999, the inclusion of 19-20-604 terminates when the amortization period for the teachers' retirement system's unfunded liability is 10 years or less; pursuant to sec. 4, Ch. 497, L. 1999, the inclusion of 15-38-202 terminates July 1, 2014; pursuant to sec. 10(2), Ch. 10, Sp. L. May 2000, the inclusion of 15-35-108 and 90-6-710 terminates June 30, 2005; pursuant to sec. 17, Ch. 414, L. 2001, the inclusion of 2-15-151 terminates December 31, 2006; and pursuant to sec. 2, Ch. 594, L. 2001, the inclusion of 17-3-241 becomes effective July 1, 2003.)"

Section 10. Section 23-5-123, MCA, is amended to read:

"23-5-123. Disposal of money confiscated by reason of violation of gambling laws. All fines, penalties, forfeitures, and confiscated money collected by criminal, civil, or administrative process for a violation of a provision of parts 1 through 8 of this chapter or a rule of the department must be deposited ~~one-half in the state general fund and one-half in the general fund of the county in which the violation occurred.~~"

Section 11. Section 23-5-136, MCA, is amended to read:

"23-5-136. Injunction and other remedies. (1) If a person has engaged or is engaging in an act or practice constituting a violation of a provision of parts 1 through 8 of this chapter or a rule or order of the department, the department may:

(a) upon clear and convincing evidence, issue a temporary order to cease and desist from the gambling activity, act, or practice for a period not to exceed 60 days;

(b) following notice and an opportunity for hearing, and with the right of judicial review, under the Montana Administrative Procedure Act:

(i) issue a permanent order to cease and desist from the act or practice, which order remains in effect pending judicial review;

(ii) place a licensee on probation;

(iii) suspend for a period not to exceed 180 days a license or permit for the gambling activity, device, or enterprise involved in the act or practice constituting the violation;

(iv) revoke a license or permit for the gambling activity, device, or enterprise involved in the act or practice constituting the violation;

(v) impose a civil penalty not to exceed \$10,000 for each violation, whether or not the person is licensed by the department; and

(vi) impose any combination of the penalties contained in this subsection (1)(b); and

(c) bring an action in district court for relief against the act or practice. The department may not be required to post a bond. On proper showing, the court may:

(i) issue a restraining order, a temporary or permanent injunction, or other appropriate writ;

(ii) suspend or revoke a license or permit; and

(iii) appoint a receiver or conservator for the defendant or the assets of the defendant.

(2) The department may issue a warrant for distraint against an operator who fails to pay a civil penalty imposed under subsection (1) or a tax imposed under 23-5-409 or 23-5-610. The department may issue the warrant for the amount of the unpaid penalty or for the amount of the unpaid tax, plus penalty and accumulated interest on the tax, and shall follow the procedures provided in 15-1-701 through 15-1-708.

(3) (a) A civil penalty imposed under this section must be collected by the department and distributed as provided in 23-5-123. ~~The local government portion of the penalty payment is statutorily appropriated to the department, as provided in 17-7-502, for deposit to the county or municipal treasury.~~

(b) If a person fails to pay the civil penalty, the amount due is a lien on the person's licensed premises and gambling devices in the state and may be recovered by the department in a civil action."

Section 12. Section 25-1-201, MCA, is amended to read:

"25-1-201. Fees of clerk of district court. (1) The clerk of district court shall collect the following fees:

(a) at the commencement of each action or proceeding, except a petition for dissolution of marriage, from the plaintiff or petitioner, \$90; for filing a complaint in intervention, from the intervenor, \$80; for filing a petition for dissolution of marriage, \$160; for filing a petition for legal separation, \$150; and for filing a petition for a contested amendment of a final parenting plan, \$120;

(b) from each defendant or respondent, on appearance, \$60;

(c) on the entry of judgment, from the prevailing party, \$45;

(d) for preparing copies of papers on file in the clerk's office, 50 cents a page for the first five pages of each file, for each request, and 25 cents for each additional page;

(e) for each certificate, with seal, \$2;

(f) for oath and jurat, with seal, \$1;

(g) for a search of court records, 50 cents for each year searched, not to exceed a total of \$25;

(h) for filing and docketing a transcript of judgment or transcript of the docket from all other courts, the fee for entry of judgment provided for in subsection (1)(c);

(i) for issuing an execution or order of sale on a foreclosure of a lien, \$5;

(j) for transmission of records or files or transfer of a case to another court, \$5;

(k) for filing and entering papers received by transfer from other courts, \$10;

(l) for issuing a marriage license, \$30;

(m) on the filing of an application for informal, formal, or supervised probate or for the appointment of a personal representative or the filing of a petition for

the appointment of a guardian or conservator, from the applicant or petitioner, \$70, which includes the fee for filing a will for probate;

(n) on the filing of the items required in 72-4-303 by a domiciliary foreign personal representative of the estate of a nonresident decedent, \$55;

(o) for filing a declaration of marriage without solemnization, \$30;

(p) for filing a motion for substitution of a judge, \$100;

(q) for filing a petition for adoption, \$75.

(2) Except as provided in subsections (3), ~~and (5), through (7) and (6)~~, fees collected by the clerk of district court must:

(a) *prior to July 1, 2003*, be forwarded to the department of revenue for deposit in the state general fund; *and*

(b) *after June 30, 2003*, be deposited in the state general fund as specified by the supreme court administrator.

(3) (a) Of the fee for filing a petition for dissolution of marriage, \$5 must be deposited in the children's trust fund account established in 52-7-102, \$9 must be deposited in the civil legal assistance for indigent victims of domestic violence account established in 3-2-714, and \$30 must be deposited in the partner and family member assault intervention and treatment fund established in 40-15-110.

(b) Of the fee for filing a petition for legal separation, \$5 must be deposited in the children's trust fund account established in 52-7-102 and \$30 must be deposited in the partner and family member assault intervention and treatment fund established in 40-15-110.

(4) If the moving party files a statement signed by the nonmoving party agreeing not to contest an amendment of a final parenting plan at the time the petition for amendment is filed, the clerk of district court may not collect from the moving party the fee for filing a petition for a contested amendment of a parenting plan under subsection (1)(a).

(5) ~~The~~ *Through June 30, 2003*, the clerk of district court shall remit to the credit of the special revenue account established in 42-2-105 \$70 of the filing fee required in subsection (1)(q).

(6) Of the fee for filing an action or proceeding, except a petition for dissolution of marriage, \$9 must be deposited in the civil legal assistance for indigent victims of domestic violence account established in 3-2-714.

(7) The fees collected under subsections (1)(d), (1)(g), and (1)(j) must be deposited in the county district court fund. If a district court fund does not exist, the fees must be deposited in the county general fund for district court operations.

(8) *Any filing fees, fines, penalties, or awards collected by the district court or district court clerk not otherwise specifically allocated must be deposited in the state general fund."*

Section 13. Section 46-23-1031, MCA, is amended to read:

"46-23-1031. Supervisory fees — account established. (1) (a) Except as provided in subsection (1)(b), a probationer or parolee shall pay a supervisory fee of no less than \$120 a year and no more than \$360 a year, prorated at no less than \$10 a month for the number of months under supervision. The fee must be

collected by the clerk of the district court with jurisdiction during the probationer's or parolee's period of supervision under this part.

(b) The court or the board may reduce or waive the fee or suspend the monthly payment of the fee if it determines that the payment would cause the probationer or parolee a significant financial hardship.

(2) (a) There is an account in the state special revenue fund for the fees collected under the provisions of this section.

(b) ~~(i) District~~ *Prior to July 1, 2003, district court clerks shall deduct from the total fees collected pursuant to subsection (1) the administrative cost of collecting and accounting for the fees and shall deposit the remaining amount into the state special revenue account established in subsection (2)(a).*

(ii) After June 30, 2003, district court clerks shall deposit the fees into the state special revenue account established in subsection (2)(a) as specified by the supreme court administrator."

Section 14. Section 50-15-301, MCA, is amended to read:

"50-15-301. Marriage certificates. Before the 10th day of each month, each clerk of a district court shall report marriage certificates filed ~~with him~~ during the preceding calendar month to the department. Reports ~~shall~~ *must* be on forms and contain information prescribed by the department. The applicant for a marriage license shall pay a recording fee of 25 cents to the officer authorized to issue the marriage license. *Beginning July 1, 2003, the recording fee must be forwarded to the state for deposit in the state general fund."*

Section 15. Section 53-2-207, MCA, is amended to read:

"53-2-207. Power of department in administering state and federal funds. In administering or supervising any state or federal funds appropriated or made available to the department for public assistance purposes, the department ~~has the authority to~~ *may*:

~~(1) require the county to pay an administrative fee to the state general fund for the purpose of reimbursing the department, in part, for the costs of administering and providing public assistance to county residents in need;~~

~~(2)(1)~~ make use of all legal processes to enforce the standards prescribed for public assistance purposes by the department; and

~~(3)(2)~~ require that each part of the public assistance laws be in effect in all counties of the state."

Section 16. Section 61-3-201, MCA, is amended to read:

"61-3-201. Transfer of interest — cancellation of erroneous certificate of ownership or registration. (1) Upon a transfer of any interest in a motor vehicle registered under the provisions of this chapter, the person whose interest is to be transferred shall ~~write his signature with pen and ink upon~~ *sign* the certificate of ownership issued for the vehicle in the appropriate space provided, and the signature must be acknowledged before the county treasurer, a deputy county treasurer, an elected official authorized to acknowledge signatures, an employee of the department, or a notary public.

(2) Within 20 calendar days after endorsement, the transferee shall forward both the endorsed certificate of ownership with the odometer mileage statement required under 61-3-206 and the certificate of registration, together with the information required under 61-3-202, to the county treasurer, who shall forward them to the department. The department may not issue a certificate of

ownership or certificate of registration until the outstanding certificates are surrendered to that office or their loss is established to its reasonable satisfaction. Failure to make application within the 20-day grace period subjects the transferee to a penalty of \$10. The county treasurer shall collect the penalty at the time of registration *and forward the penalty fee to the department of revenue for deposit in the state general fund*. The penalty is in addition to the fees otherwise provided by law. If the transferee does not make application within 25 days, a creditor or secured party may pay the fees for the transfer of title and filing of security interest or lien in order to have title transferred to the transferee and have the security interest or lien filed. The creditor or secured party is not liable for the penalty, registration fees, or taxes. The department shall return the certificate of title to the county treasurer as provided in 61-3-103(1). When the certificate of ownership is returned by the department to the county treasurer, the treasurer shall hold the certificate of ownership until the vehicle is properly registered.

(3) In the event of a transfer by operation of law of any interest in a motor vehicle as upon inheritance, devise, or bequest, order in bankruptcy or insolvency, execution sale, repossession upon default in the performance of the terms of a lease or executory sales contract, or otherwise than by voluntary act of the person whose title or interest is transferred, the executor, administrator, receiver, trustee, sheriff, or other representative or successor in interest of the person whose interest is transferred shall forward to the department an application for a certificate of ownership in the form required by the department, together with a verified or certified statement of the transfer of interest. The statement must set forth the reason for the involuntary transfer, the interest transferred, the name of the person to whom the interest is to be transferred, the process of procedure effecting the transfer, and other information requested by the department. Evidence and instruments otherwise required by law to effect a transfer of legal or equitable title to or an interest in chattels ~~as may be required in such cases~~ must be furnished with the statement. If the department is satisfied that the transfer is regular and that all formalities required by law have been complied with, it shall send to the owner, conditional sales vendor, lessor, mortgagee, and other lienor, as shown by its records, notice of the intended transfer and, not less than 5 days after sending notice, shall issue a new certificate of ownership and certificate of registration to the transferee. The notice required by this section is complied with by deposit in the U.S. mail of the notice, postage prepaid, addressed to the person at the respective address shown on its records.

(4) When the vehicle certificate of ownership that is involuntarily transferred is not registered in this state, the procedure in subsection (3) must be followed in applying for a new certificate of ownership and certificate of registration; ~~however~~ *However*, in lieu of the statement required in subsection (3), the department may accept an affidavit of repossession on the form provided by the state in which a lien has been perfected and the department need not send notice of intended transfer and shall issue a new certificate of ownership and a new certificate of registration to the person entitled to the certificates.

(5) (a) If the owner of one or more motor vehicles, trailers, semitrailers, or house trailers registered under this chapter and not exceeding a combined value of \$15,000 dies without leaving other property necessitating the procuring of letters of administration or letters testamentary, the surviving spouse or other heir unless the property is by will otherwise bequeathed may secure transfer of

the decedent's certificate of ownership and the certificate of registration for the vehicle.

(b) The person seeking transfer of the certificate of ownership shall file an affidavit with the department setting forth the fact of survivorship and the name and address of any other heirs and other facts as are necessary under subsection (5)(a) to entitle the affiant to a transfer.

(c) The department is authorized to transfer the certificate of ownership and certificate of registration, subject to all security interests shown by its records, upon receipt of an affidavit showing that the affiant is entitled to a transfer under the provisions of subsection (5)(a).

(6) ~~Nothing in subsection~~ Subsection (5) ~~prevents~~ *does not prevent* a secured party from assigning ~~his~~ *the secured party's* interest in a motor vehicle registered under the provisions of this chapter to any other person without the consent of and without affecting the interest of the holder of the certificate of ownership and certificate of registration. Upon any assignment by a secured party of ~~his~~ *the secured party's* security interest in any motor vehicle registered under this chapter, a copy of the assignment must be filed with the department and a record of the assignment ~~must be made upon~~ *in* its records.

(7) The certificate of ownership is valid until canceled by the department upon a transfer of any interest shown in the certificate, and annual renewal is not needed.

(8) (a) Upon its determination that a certificate of ownership or a registration receipt contains an error or that the applicant has paid the required fees and taxes with an insufficient funds check and if the department has been notified of that fact by the county attorney, the department may cancel the certificate of ownership or receipt and, in the case of an error, issue a replacement for the erroneous certificate or receipt if the owner has returned the certificate or receipt to be canceled. If the owner fails to return to the department the certificate of ownership, the registration receipt, or the license plate, the department shall direct a peace officer or department employee to secure and return the certificate, receipt, or license plate to the department.

(b) Any person who fails to return a certificate of ownership or a registration receipt that contains an error or that has been canceled by the department ~~due to~~ *because of* an insufficient funds check, as provided in subsection (8)(a), after receiving actual notice of the department's demand for the return of the certificate or receipt, as required by subsection (8)(a), is guilty of a misdemeanor and upon conviction may be fined an amount not to exceed \$500."

Section 17. Section 61-3-317, MCA, is amended to read:

"61-3-317. New registration required for transferred vehicle — grace period — penalty — display of proof of purchase. Except as otherwise provided in this section, the new owner of a transferred motor vehicle has a grace period of 20 calendar days from the date of purchase to make application and pay the registration fees, fees in lieu of tax and other fees required by part 5 of this chapter, and local option taxes, if applicable, unless the fees and taxes have been paid for the year or for the 24-month period as provided in 61-3-315, as if the vehicle were being registered for the first time in that registration year. If the motor vehicle was not purchased from a licensed motor vehicle dealer as provided in this chapter, it is not a violation of this chapter or any other law for the purchaser to operate the vehicle upon the streets and highways of this state without a certificate of registration during the 20-day

period, provided that at all times during that period, a vehicle purchase sticker in a form prescribed and furnished by the department, obtained from the county treasurer or a law enforcement officer as authorized by the department, reciting the date of purchase is clearly displayed in the rear window of the motor vehicle. Registration and license fees collected under 61-3-321 are not required to be paid when a license plate is transferred under 61-3-335 and this section. Failure to make application within the time provided in this section subjects the purchaser to a penalty of \$10. The penalty must be collected by the county treasurer at the time of registration and is in addition to the fees otherwise provided by law. *The penalty must be deposited in the state general fund.*"

Section 18. Section 61-3-321, MCA, is amended to read:

"61-3-321. Registration fees of vehicles — certain vehicles exempt from license or registration fees — disposition of fees. (1) Registration or license fees must be paid upon registration or reregistration of motor vehicles, trailers, and semitrailers, in accordance with this chapter, as follows:

- (a) light vehicles under 2,850 pounds, \$13.75;
 - (b) trailers with a declared weight of less than 2,500 pounds and semitrailers, \$8.25;
 - (c) motor vehicles registered pursuant to 61-3-411 that are:
 - (i) over 2,850 pounds, \$10; and
 - (ii) under 2,850 pounds, \$5;
 - (d) off-highway vehicles registered pursuant to 23-2-817, \$9;
 - (e) light vehicles over 2,850 pounds, trucks and buses less than 1 ton, and heavy trucks in excess of 1 ton, \$18.75;
 - (f) logging trucks less than 1 ton, \$23.75;
 - (g) motor homes, \$22.25;
 - (h) motorcycles and quadricycles, \$9.75;
 - (i) trailers and semitrailers between 2,500 and 6,000 pounds, \$11.25;
 - (j) trailers and semitrailers in excess of 6,000 pounds, *other than trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement*, \$16.25;
 - (k) travel trailers, \$11.75; and
 - (l) recreational vehicles, \$3.50.
- (2) If a motor vehicle, trailer, or semitrailer is originally registered 6 months after the time of registration as set by law, the registration or license fee for the remainder of the year is one-half of the regular fee.
- (3) An additional fee of \$5 must be collected for the registration of each motorcycle as a safety fee and must be deposited in the state motorcycle safety account provided for in 20-25-1002.
- (4) A fee of \$2 for each set of new number plates must be collected when number plates provided for under 61-3-332(2) are issued.
- (5) The provisions of this part with respect to the payment of registration fees do not apply to and are not binding upon motor vehicles, trailers, semitrailers, or tractors owned or controlled by the United States of America or any state, county, city, or special district, as defined in 18-8-202.

(6) (a) Except as provided in ~~subsection (6)(b) and~~ 61-3-562 and subsection (6)(b) of this section, a fee of 25 cents a year for each registration of a vehicle must be collected when a vehicle is registered or reregistered. The revenue derived from this fee must be forwarded by the county treasurer for deposit in the general fund for transfer to the credit of the senior citizens and persons with disabilities transportation services account provided for in 7-14-112.

(b) The following vehicles are not subject to the fee imposed in subsection (6)(a):

(i) trailers and semitrailers registered in other jurisdictions and registered through a proportional registration agreement; and

(ii) travel trailers, recreational vehicles, and off-highway vehicles registered pursuant to 23-2-817.

(7) The provisions of this section relating to the payment of registration fees or new number plate fees do not apply when number plates are transferred to a replacement vehicle under 61-3-317, 61-3-332, or 61-3-335.

(8) A person qualifying under 61-3-332(10)(d) is exempt from the fees required under this section.

(9) Except as otherwise provided in this section, revenue collected under this section must be deposited in the state general fund."

Section 19. Section 61-3-537, MCA, is amended to read:

"61-3-537. (Temporary) Local option vehicle tax. (1) A county may impose a local vehicle tax on vehicles subject to the registration fee imposed under 61-3-560 through 61-3-562 at a rate of up to 0.7% of the value determined under 61-3-503 or a local flat fee, in addition to the fee imposed under 61-3-560 through 61-3-562.

(2) A local vehicle tax or flat fee is payable at the same time and in the same manner as the fee imposed under 61-3-560 through 61-3-562. ~~The first priority of the local vehicle tax or flat fee is for district court funding, and the tax or fee is distributed as follows:~~

(a) 50% to the county; and

(b) the remaining 50% to the county and the incorporated cities and towns within the county, apportioned on the basis of population. The distribution to a city or town is determined by multiplying the amount of money available by the ratio of the population of the city or town to the total county population. The distribution to the county is determined by multiplying the amount of money available by the ratio of the population of unincorporated areas within the county to the total county population.

(3) The governing body of a county may impose, revise, or revoke a local vehicle tax or flat fee if the imposition, revision, or revocation of the tax or fee is approved by the electorate of the county. The imposition, revision, or revocation of the tax or fee is effective on January 1 following its approval by the electorate. The county governing body by resolution may provide for the distribution of the local vehicle tax or flat fee. (Terminates June 30, 2005—sec. 2, 3, Ch. 217, L. 1995.)

61-3-537. (Effective July 1, 2005) Local option vehicle tax. (1) A county may impose a local vehicle tax on vehicles subject to the registration fee imposed under 61-3-560 through 61-3-562 at a rate of up to 0.7% of the value determined under 61-3-503, in addition to the fee imposed under 61-3-560 through 61-3-562.

(2) A local vehicle tax or flat fee is payable at the same time and in the same manner as the fee imposed under 61-3-560 through 61-3-562 ~~and is distributed in the same manner as provided in 61-3-509, based on the registration address of the owner of the motor vehicle.~~

(3) The governing body of a county may impose, revise, or revoke a local vehicle tax if the imposition, revision, or revocation of the tax is approved by the electorate of the county. The imposition, revision, or revocation of the tax is effective on January 1 following its approval by the electorate."

Section 20. Section 61-3-562, MCA, is amended to read:

"61-3-562. Permanent registration — transfer of vehicle ownership — rules. (1) (a) The owner of a light vehicle 11 years old or older subject to the registration fee, as provided in 61-3-561, may permanently register the vehicle upon payment of a \$50 registration fee, the applicable registration and license fees under 61-3-321, and an amount equal to five times the applicable fees imposed for each of the following:

- (i) junk vehicle disposal fees under 15-1-122(3)(a);
- (ii) weed control fees under 15-1-122(3)(b);
- (iii) the former county motor vehicle computer fees under 61-3-511;
- (iv) the local option vehicle tax or flat fee on vehicles under 61-3-537;
- (v) if applicable, license plate fees under 61-3-332 and renewal fees for personalized plates under 61-3-406;
- (vi) if applicable, the amateur radio operator license plate fee under 61-3-422;
- (vii) if applicable, the annual scholarship donation fee under 61-3-465; and
- (viii) senior citizens and persons with disabilities transportation services fees as provided in 61-3-321(6).

(b) A person who permanently registers a vehicle as provided in subsection (1)(a) shall pay an additional \$2 fee at the time of registration for deposit in the state general fund. The department shall pay from the general fund an amount equal to the \$2 fee collected under this subsection (1)(b) from each motor vehicle registration to the pension trust fund for payment of supplemental benefits provided for in 19-6-709.

(2) In addition to the fees described in subsection (1), an owner of a truck with a manufacturer's rated capacity of 1 ton or less that is permanently registered shall pay five times the applicable fees imposed under 61-10-201.

(3) The owner of a vehicle that is permanently registered under this section is not subject to additional fees under 61-3-561 or to other motor vehicle registration fees described in this section for as long as the owner owns the vehicle.

(4) The county treasurer shall:

(a) distribute the \$50 registration fee collected under this section as provided in 61-3-509;

(b) once each month, remit to the department of revenue the amounts collected under this section, *other than the local option vehicle tax or flat fee*, for the purposes of 61-3-321(3) and 61-10-201. *The county treasurer shall retain the local option vehicle tax or flat fee.*

(5) (a) The permanent registration of a vehicle allowed by this section may not be transferred to a new owner. If the vehicle is transferred to a new owner, the department shall cancel the vehicle's permanent registration.

(b) Upon transfer of a vehicle registered under this section to a new owner, the new owner shall apply for a certificate of ownership under 61-3-201 and file an application for registration under 61-3-303. (Subsection (1)(b) terminates on occurrence of contingency—sec. 24, Ch. 191, L. 2001.)”

Section 21. Section 61-4-310, MCA, is amended to read:

“61-4-310. Single movement permit — fee — limitation — county treasurer to issue. (1) (a) A vehicle, subject to license under this title, or a mobile home may be moved unladen upon the highways of this state from a point within the state to a point of destination. The county treasurer at the point of the origin of the movement shall issue a special permit for the vehicle in lieu of fees required under 61-3-321 and part 2 of chapter 10 of this title upon application presented to the county treasurer in a form provided by the department, upon exhibiting to the county treasurer proof of ownership and evidence that the personal property taxes on the vehicle, if any are due, have been paid, and upon payment of a fee of \$5. *The fee must be forwarded to the department of revenue for deposit in the state general fund.* The permit is not in lieu of fees and permits required under 61-4-301 and 61-4-302.

(b) For purposes of this section, a mobile home is considered unladen when all items are removed except the equipment originally installed by the manufacturer and the personal effects of the owners.

(2) The permit is for the transit of the vehicle or mobile home only, and the vehicle or mobile home may not at the time of the transit be used for the transportation of any persons, except the driver, or any property for compensation or otherwise and is for one transit only between the points of origin and destination as set forth in the application and shown on the permit.

(3) A junk vehicle being driven or towed to a motor vehicle wrecking facility or a motor vehicle graveyard for disposal is exempt from the provisions of this section. The definitions in 75-10-501 apply to this subsection.”

Section 22. Section 61-10-148, MCA, is amended to read:

“61-10-148. Disposition of fines and forfeited bonds. (1) Except as provided in 61-12-701 and subsection (2) of this section, all the money collected as fines and forfeited bonds for violations of Title 61, chapter 10, must be remitted monthly by the county treasurer to the department of revenue, as provided in 15-1-504, for deposit in the state general fund. This subsection does not apply to fines and forfeited bonds paid to justices' courts.

(2) If the apprehension or arrest was for a violation of Title 61, chapter 10, and if the offense occurred on a road or highway not included under the provisions of 60-2-128 and 60-2-203, all money collected as fines and forfeited bonds must be ~~distributed to the county treasurer for deposit in the county road~~ *deposited in the state general fund.*”

Section 23. Section 61-12-701, MCA, is amended to read:

“61-12-701. Disposition of fines and forfeitures. ~~Except as provided in 61-10-148(2), all~~ All fines and forfeitures collected in any court, except a justice's court, for violation of the laws and regulations relating to the use of state highways and the operation of vehicles on state highways, if the apprehension or arrest was by a highway patrol officer, must be paid to the department of

revenue for credit to the state general fund or, if the apprehension or arrest was by a sheriff or deputy sheriff, must be paid to the county treasurer for deposit in the county general fund, except for that portion of the fines otherwise allocated by law, which must be paid into the appropriate accounts in the state special revenue fund.”

Section 24. Section 80-2-230, MCA, is amended to read:

“80-2-230. Collection of fees — release of lien. (1) The department of revenue shall collect all fees imposed under this part. The department of revenue shall deposit the money with the state treasurer. The department of revenue shall use due diligence in making the collections of the fees provided in this part.

(2) All insurance fees, whether imposed against land or in the form of special assessments secured by crop liens, are payable in full and not in semiannual payments on or before November 30 of each year in which the fees are imposed.

(3) When the amount due on any hail insurance secured by a crop lien is paid, the department of revenue shall promptly endorse on the lien on file in the office of the county clerk and recorder the amount paid with the date of payment. The endorsement is considered a satisfaction and release of the lien.

(4) *The penalty and interest provisions of 15-1-216 apply to late payments of fees imposed under this part.*”

Section 25. Section 244, Chapter 574, Laws of 2001, is amended to read:

“Section 244. School district block grants. (1) (a) The office of public instruction shall provide a block grant to each school district based on the revenue received by each district in fiscal year 2001 from vehicle taxes and fees, corporate license taxes paid by financial institutions, aeronautics fees, state land payments in lieu of taxes, and property tax reimbursements pursuant to sections 167(1) through (5) and 169(6), Chapter 584, Laws of 1999.

(b) Block grants must be calculated using the electronic reporting system that is used by the office of public instruction and school districts. The electronic reporting system must be used to allocate a portion of the block grant amount into each district’s fiscal year 2002 budget as an anticipated revenue source by fund.

(c) With the exception of vehicle taxes and fees, the office of public instruction shall use the amount actually received from the sources listed in subsection (1)(a) in fiscal year 2001 in its calculation of the block grant for fiscal year 2002 budgeting purposes. For vehicle taxes and fees, the office of public instruction shall use 93.4% of the amount actually received in fiscal year 2001 in calculating the block grant for fiscal year 2002.

(2) If the ~~biennial~~ *fiscal year 2003* appropriation provided in [section 248(1)] is insufficient to fund the school district block grants in fiscal year 2003 at the fiscal year 2002 level, the office of public instruction shall prorate the block grants to meet the remaining appropriation. School districts shall anticipate the prorated block grant amounts provided by the office of public instruction in their budgets for fiscal year 2003.

(3) Each year, 70% of each district’s block grant must be distributed in November and 30% of each district’s block grant must be distributed in May at the same time that guaranteed tax base aid is distributed. ~~If the appropriation for block grants is greater than or less than the amount received by schools from~~

~~the sources enumerated in subsection (1), the office of public instruction shall prorate the amount appropriated based upon the fiscal year 2001 revenue.~~

(4) The average ~~amount~~ of the block grants in fiscal years 2002 and 2003 must be increased by 0.76% *in fiscal year 2004 and* in each succeeding fiscal year.”

Section 26. Section 245, Chapter 574, Laws of 2001, is amended to read:

“Section 245. Countywide school retirement block grants. (1) The office of public instruction shall distribute one-half of the amount appropriated for countywide school retirement in November and the remainder in May. The total amount for each county is as follows:

	FY 2002 Elementary Payment	FY2002 High School Payment	FY2003 Elementary Payment	FY2003 High School Payment
Beaverhead	\$86,692	\$50,789	\$67,351 \$55,503	\$51,175 \$41,981
Big Horn	62,668	36,963	63,144 95,018	37,244 33,837
Blaine	61,160	10,193	61,624 46,318	10,271 81,109
Broadwater	0	92,686	0	93,390 34,949
Carbon	43,451	82,110	43,782 72,602	82,734 58,957
Carter	9,751	5,453	9,625 8,478	5,495 6,155
Cascade	349,056	192,848	351,709 282,266	194,314 142,282
Chouteau	75,384	41,034	75,957 58,455	41,346 29,474
Custer	78,925	36,930	79,525 57,608	37,211 32,128
Daniels	0	37,994	0	38,283 36,083
Dawson	85,568	38,722	86,219 64,693	39,016 24,827
Deer Lodge	39,980	17,059	40,284 34,455	17,189 16,807
Fallon	0	0	0	0 30,444
Fergus	119,028	78,809	119,932 90,464	79,408 55,527
Flathead	558,861	296,410	563,108 530,274	298,662 268,731
Gallatin	383,035	181,743	385,946 537,244	183,125 107,717
Garfield	12,337	10,170	12,431 12,100	10,247 4,620
Glacier	79,924	34,016	80,532 106,815	34,275 10,494
Golden Valley	0	16,716	0	16,843 14,492
Granite	14,074	48,026	14,180 12,523	48,391 30,727
Hill	142,867	82,538	143,953 59,593	83,165 35,211
Jefferson	116,679	59,523	117,565 143,901	59,976 59,690
Judith Basin	6,149	21,359	6,196 4,744	21,521 30,198
Lake	173,584	139,990	174,903 156,485	141,054 103,365
Lewis & Clark	344,112	211,726	346,728 370,958	213,335 173,847
Liberty	20,144	16,786	20,297 3,067	16,914 31,953
Lincoln	73,001	98,835	73,556 61,499	99,586 87,710
Madison	0	103,163	0 4,891	103,947 19,788
McCone	23,214	15,824	23,390 21,778	15,945 14,004
Meagher	13,654	10,678	13,758 9,250	10,759 9,492
Mineral	0	32,206	0	32,451 33,292
Missoula	487,129	362,756	490,832 587,637	365,513 357,669
Musselshell	30,675	21,577	30,908 48,959	21,741 41,250
Park	154,192	81,696	155,364 135,256	82,317 78,135
Petroleum	0	16,897	0	17,026 9,510

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Phillips	10,502	95,084	10,582 103,747	95,806 54,728
Pondera	79,805	60,307	80,411 18,821	60,765 47,629
Powder River	18,815	15,011	18,958 0	15,125 0
Powell	69,695	22,666	70,225 71,420	22,838 30,458
Prairie	0	26,791	0	26,995 21,945
Ravalli	85,333	169,769	85,981 2,062	171,059 40,316
Richland	83,671	30,302	84,307 15,500	30,533 26,650
Roosevelt	71,090	60,329	71,630 96,278	60,787 61,038
Rosebud	359,662	286,411	362,395 475,055	288,588 126,246
Sanders	203,863	127,694	205,413 197,286	128,665 14,442
Sheridan	0	46,231	0	46,583 47,628
Silver Bow	249,821	141,541	251,719 193,304	142,617 119,358
Stillwater	91,487	75,926	92,182 91,185	76,503 51,769
Sweet Grass	36,996	36,327	37,277 24,214	36,603 12,316
Teton	57,760	41,547	58,199 45,217	41,863 40,769
Toole	43,323	51,399	43,652 36,109	51,790 73,362
Treasure	0	18,947	0	19,091 16,243
Valley	15,824	90,532	15,944 10,558	91,228 143,204
Wheatland	20,946	12,103	21,105 15,031	12,195 12,109
Wibaux	0	14,585	0	14,696 25,103
Yellowstone	1,125,488	643,136	1,134,042 1,070,887	648,024 612,203
Total	6,269,374	4,650,865	6,317,022 6,139,506	4,686,212 3,723,973

(2) The average amount of the block grants in fiscal years 2002 and 2003 must be increased by 0.76% *in fiscal year 2004 and in each succeeding fiscal year.*"

Section 27. Section 246, Chapter 574, Laws of 2001, is amended to read:

"Section 246. Countywide school transportation block grants. (1)

The office of public instruction shall distribute one-half of the amount appropriated for countywide school transportation in November and the remainder in May. The total amount for each county is as follows:

	FY 2002 Payment	FY2003 Payment
Beaverhead	\$29,924	\$30,151 \$26,197
Big Horn	43,635	43,966 52,920
Blaine	3,727	3,756 13,384
Broadwater	14,935	15,048 21,769
Carbon	23,493	23,671 23,040
Carter	8,675	8,741 6,457
Cascade	84,382	85,024 5,760
Chouteau	33,063	33,314 26,028
Custer	7,069	7,123 6,272
Daniels	16,771	16,899 12,993
Dawson	21,356	21,518 14,001
Deer Lodge	14,392	14,502 14,482
Fallon	20,447	20,603 25,422
Fergus	58,765	59,211 30,799
Flathead	89,846	90,529 77,223
Gallatin	81,262	81,879 90,930

Garfield	17,284	17,415 7,135
Glacier	37,740	38,027 34,300
Golden Valley	3,547	3,574 3,591
Granite	8,153	8,215 6,726
Hill	46,409	46,762 17,070
Jefferson	36,329	36,605 34,792
Judith Basin	16,878	17,007 20,322
Lake	69,756	70,286 52,163
Lewis & Clark	58,287	58,730 69,557
Liberty	15,874	15,995 12,731
Lincoln	50,388	50,771 0
Madison	21,263	21,424 14,174
McCone	12,498	12,593 11,856
Meagher	4,237	4,269 6,366
Mineral	7,478	7,534 9,038
Missoula	93,969	94,683 94,480
Musselshell	12,945	13,043 20,627
Park	31,904	32,147 32,394
Petroleum	9,854	9,929 6,086
Phillips	31,080	31,316 43,852
Pondera	22,599	22,771 18,308
Powder River	21,304	21,465 0
Powell	16,622	16,748 14,581
Prairie	8,544	8,609 4,809
Ravalli	60,579	61,040 24,889
Richland	32,995	33,246 30,868
Roosevelt	25,740	25,935 40,216
Rosebud	97,820	98,564 89,433
Sanders	71,581	72,125 173,489
Sheridan	12,946	13,045 17,460
Silver Bow	21,872	22,038 18,381
Stillwater	27,358	27,566 15,344
Sweet Grass	14,996	15,110 6,340
Teton	28,202	28,416 20,759
Toole	17,208	17,339 15,592
Treasure	5,446	5,487 5,073
Valley	26,677	26,880 36,436
Wheatland	9,142	9,212 6,386
Wibaux	6,198	6,246 8,816
Yellowstone	149,314	150,448 145,322
Total	1,814,759	1,828,551 1,637,437

(2) The average ~~amount~~ of the block grants in fiscal years 2002 and 2003 must be increased by 0.76% *in fiscal year 2004 and* in each succeeding fiscal year.”

Section 28. Section 248, Chapter 574, Laws of 2001, is amended to read:

“Section 248. Appropriations. (1) There is appropriated from the general fund to the office of public instruction ~~\$114,394,755~~ \$52,407,206 for the

~~biennium~~ fiscal year ending June 30, 2003, for the purpose of school district block grants as provided in [section 244].

(2) There is appropriated from the general fund to the office of public instruction \$10,920,239 for fiscal year 2002 and ~~\$11,003,234~~ \$9,863,479 for fiscal year 2003 for the purpose of countywide school retirement block grants as provided in [section 245].

(3) There is appropriated from the general fund to the office of public instruction \$1,814,759 for fiscal year 2002 and ~~\$1,828,551~~ \$1,637,437 for fiscal year 2003 for the purpose of countywide school transportation block grants as provided in [section 246].

(4) ~~If Senate Bill No. 176 is passed and approved, then there~~ There is appropriated from the general fund to the supreme court for fiscal year 2003 \$18,389,345 ~~the amount deducted from the entitlement share payment in [section 1(2)] plus an additional 6%. The amount appropriated is up to \$25 million to be used for the purpose of implementing district court operations as directed in Senate Bill No. 176, enacted as Chapter 585, Laws of 2001."~~

Section 29. Section 249, Chapter 574, Laws of 2001, is amended to read:

"Section 249. Inclusion of appropriations in budget. The governor shall include the appropriation in [section 248(1)] \$107,395,032 in the biennial present law base budget prepared for the 58th legislative session for continued funding of the school district budget items funded by that appropriation."

Section 30. Section 250, Chapter 574, Laws of 2001, is amended to read:

"Section 250. Reservation of funds. The amount of ~~\$7,447,018~~ \$12,210,205 must be reserved for countywide retirement and countywide transportation in fiscal year 2004, and the amount of ~~\$4,812,299~~ \$12,303,002 must be reserved for countywide retirement and countywide transportation in fiscal year 2005."

Section 31. Section 257, Chapter 574, Laws of 2001, is amended to read:

"Section 257. Retroactive applicability. (1) [Section 253(2)] applies retroactively, within the meaning of 1-2-109, to July 1, 2000.

(2) [Section 143] applies retroactively, within the meaning of 1-2-109, to April 1, ~~2000~~ 2001."

Section 32. Appropriation. There is appropriated \$220,000 from the state general fund to the department of revenue for providing a reimbursement to the city of Bozeman for accrued gaming revenue.

Section 33. Lodging facility use tax — intent. The \$1.7 million in lodging facility use tax allocated to the general fund in 15-65-121 is intended to be transferred to the general fund from money held in a reserve account in the department of commerce.

Section 34. Repealer. Sections 61-4-311 and 90-1-108, MCA, and section 4, Chapter 749, Laws of 1991, section 1, Chapter 217, Laws of 1993, and sections 2 and 3, Chapter 217, Laws of 1995, are repealed.

Section 35. Effective date. [This act] is effective on passage and approval.

Section 36. Retroactive applicability. (1) [Section 31] applies retroactively, within the meaning of 1-2-109, to April 1, 2001.

(2) [Sections 3, 4, 7, 15, 16, 18, 20, 21, and 34] apply retroactively, within the meaning of 1-2-109, to July 1, 2001.

(3) [Sections 1, 2, 5, 8, 12, 17, 19, 22, 23, and 25 through 30] apply retroactively, within the meaning of 1-2-109, to July 1, 2002.

Approved August 16, 2002

CHAPTER NO. 14

[HB 21]

AN ACT MAXIMIZING GENERAL FUND REVENUE BY ENHANCING COLLECTION OF STATE REIMBURSEMENT FOR INDIRECT COSTS ASSOCIATED WITH FEDERAL OR PRIVATE CONTRACTS AND GRANTS; REQUIRING FULL RECOVERY OF INDIRECT COSTS FROM FEDERAL AND PRIVATE GRANTS; PROVIDING THAT AN AGENCY MAY NOT WAIVE REIMBURSEMENT FOR INDIRECT COSTS; PROVIDING AN EXCEPTION FOR UNITS OF THE UNIVERSITY SYSTEM AND INTRAAGENCY OR INTERAGENCY GRANTS AND CONTRACTS; REQUIRING THE DEPARTMENT OF ADMINISTRATION TO PROVIDE ASSISTANCE TO AGENCIES; AMENDING SECTION 17-3-111, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 17-3-111, MCA, is amended to read:

"17-3-111. Indirect cost rates — allocation. (1) Grantee agencies shall, in accordance with federal regulations and guidelines *and with private grant rules, as appropriate,* negotiate indirect cost rates and endeavor, ~~to the fullest extent possible, to reimbursement amounts and methodologies and recover~~ indirect costs of federal assistance programs *and private assistance programs.*

(2) An agency, except for a unit of the university system, that applies for or otherwise receives funds through federal or private grants or contracts that do not allow the agency to fully recover indirect costs shall notify and receive written approval from its approving authority prior to accepting the funds.

(3) An agency, except for a unit of the university system, may not, as part of the grant or contract proposal or negotiation process, waive or otherwise forfeit the agency's ability to recover indirect costs that are otherwise allowable costs under the program, except for intraagency or interagency grants or contracts. For grants or contracts for which the entity providing the funds limits administrative cost reimbursements or indirect cost recoveries by regulation, policy, or guideline, statewide and agency indirect costs paid originally from the general fund must be claimed first, other indirect costs must be claimed second, agency direct costs of administration must be claimed third, and program direct costs must be claimed last. For grants or contracts for which there is no limit on indirect costs or administrative costs, indirect and administrative costs must be claimed first and direct program costs must be claimed last.

(4) The department shall provide technical assistance to an agency on how to build indirect costs into a grant.

~~(2)~~(5) Indirect costs recovered from federal sources pursuant to the statewide cost allocation plan provided in 17-3-110, except those costs recovered by a unit of the university system, must be deposited in the general fund. All other indirect costs, except those costs recovered by a unit of the university system, must be deposited in the fund from which the indirect costs were originally paid."

Section 2. Effective date. [This act] is effective on passage and approval.

Approved August 16, 2002

CHAPTER NO. 15

[SB 6]

AN ACT LIMITING THE TRANSFER AUTHORITY OF TANF FUNDS FOR THE AFFORDABLE HOUSING REVOLVING LOAN ACCOUNT TO AN ALLOCATION OF \$700,000; AMENDING SECTION 2, CHAPTER 502, LAWS OF 2001; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 2, Chapter 502, Laws of 2001, is amended to read:

“Section 2. Fund transfer allocation. The department of public health and human services shall ~~transfer \$3,415,928~~ allocate \$700,000 of the TANF block grant received as federal special revenue to the affordable housing revolving loan account provided for in 90-6-133.”

Section 2. Effective date. [This act] is effective on passage and approval.

Approved August 20, 2002

CHAPTER NO. 16

[SB 19]

AN ACT REDUCING THE GENERAL FUND SHORTFALL IN REVENUE BY TRANSFERRING \$4 MILLION OF THE EXCESS FUNDS FROM CLAIMS OCCURRING BEFORE JULY 1, 1990, TO THE GENERAL FUND FOR FISCAL YEAR 2003 TO BE APPROPRIATED TO THE UNIVERSITY SYSTEM AND THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES AND TO BE TRANSFERRED TO THE STATE LIBRARY EQUIPMENT ACCOUNT AND TO THE SCHOOL FLEXIBILITY FUND; PROVIDING FOR A STUDY OF THE STRUCTURE OF THE STATE FUND TO BE FUNDED BY THE STATE FUND; AMENDING SECTION 39-71-2352, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 39-71-2352, MCA, is amended to read:

“39-71-2352. Separate payment structure and sources for claims for injuries resulting from accidents that occurred before July 1, 1990, and on or after July 1, 1990 — spending limit — authorizing transfer of money between accounts for payment of claims. (1) Premiums paid to the state fund based upon wages payable before July 1, 1990, may be used only to administer and pay claims for injuries resulting from accidents that occurred before July 1, 1990. Premiums paid to the state fund based upon wages payable on or after July 1, 1990, may be used only to administer and pay claims for injuries resulting from accidents that occur on or after July 1, 1990.

(2) The state fund shall:

(a) determine the cost of administering and paying claims for injuries resulting from accidents that occurred before July 1, 1990, and separately determine the cost of administering and paying claims for injuries resulting from accidents that occur on or after July 1, 1990;

(b) keep adequate and separate accounts of the costs determined under subsection (2)(a); and

(c) fund administrative expenses and benefit payments for claims for injuries resulting from accidents that occurred before July 1, 1990, and claims for injuries resulting from accidents that occur on or after July 1, 1990, separately from the sources provided by law.

(3) The state fund may not spend more than \$1.25 million a year to administer claims for injuries resulting from accidents that occurred before July 1, 1990.

(4) As used in this section, "adequately funded" means the present value of:

(a) the total cost of future benefits remaining to be paid;

(b) the cost of administering the claims; and

(c) an additional amount equal to 10% of the total of the amounts in subsections (4)(a) and (4)(b).

~~(5) By October 1 of each year following the first full fiscal year after termination of the old fund liability tax, any Based on audited financial statements adjusted for unrealized gains and losses for the fiscal year ending June 30, 2002, funds in excess of the adequate funding amount established in subsection (4) must be returned to the account established in 39-71-2321 to pay claims for injuries resulting from accidents that occurred on or after July 1, 1990. The total amount of funds returned to the account under this section may not exceed \$63.8 million transferred as follows:~~

(a) Prior to June 30, 2003:

(i) the amount of \$1.9 million must be transferred to the general fund to be transferred to the state library equipment account and appropriated to the university system and the department of public health and human services; and

(ii) the amount of \$2.1 million must be transferred to the school flexibility fund, provided for in 20-9-543.

(b) In the fiscal year ending June 30, 2003, the remaining amount, and in subsequent fiscal years, an amount of funds in excess of the adequate funding amount established in subsection (4) must be transferred to the account established in 39-71-2321 to pay claims for injuries resulting from accidents that occurred on or after July 1, 1990. The total amount of funds transferred under this subsection may not exceed \$63.8 million.

~~(6) If in any fiscal year after the old fund liability tax is terminated claims for injuries resulting from accidents that occurred before July 1, 1990, are not adequately funded, any amount returned to the account in 39-71-2321 to pay claims for injuries resulting from accidents that occurred on or after July 1, 1990, must be transferred back to the account established in 39-71-2321 necessary to pay claims for injuries resulting from accidents that occurred before July 1, 1990, must be transferred from the general fund to the account provided for in 39-71-2321.~~

(7) The independent actuary engaged by the state fund pursuant to 39-71-2330 shall project the unpaid claims liability for claims for injuries

resulting from accidents that occurred before July 1, 1990, each fiscal year until all claims are paid.”

Section 2. Study of state fund structure. (1) There is a committee to study the structure of the state fund. The members of the committee consists of:

- (a) three members of the house of representatives appointed by the speaker of the house;
- (b) three members of the senate appointed by the president of the senate;
- (c) a representative of employee groups appointed by the governor;
- (d) a representative of the office of the state auditor appointed by the state auditor;
- (e) a representative of plan 1 insurers appointed by the governor; and
- (f) a representative of plan 2 insurers appointed by the governor.

(2) The committee is attached to the state fund for funding and administrative purposes. The legislative members of the committee are entitled to a salary as provided in 5-2-302(3). The other members of the committee serve for no salary. All members of the committee are entitled to reimbursement for travel, meals, and lodging as provided in Title 2, chapter 18, part 5. The payment of members' claims for salary, travel, meals, and lodging are the responsibility of the state fund.

(3) The state fund shall present the recommendations of the committee to the 58th legislature.

Section 3. Effective date — retroactive applicability. [This act] is effective on passage and approval, and [section 1] applies retroactively, within the meaning of 1-2-109, to excess funds that have been transferred or are available to be transferred for the fiscal year ending June 30, 2002.

Approved August 20, 2002

CHAPTER NO. 17

[SB 26]

AN ACT REDUCING THE SHORTFALL IN GENERAL FUND REVENUE BY TRANSFERRING PORTIONS OF THE BALANCE OF THE INTERIM UNIVERSAL ACCESS ACCOUNT TO THE GENERAL FUND AND TO THE DEPARTMENT OF PUBLIC HEALTH AND HUMAN SERVICES; CLARIFYING THAT FUNDS MUST BE AVAILABLE FOR REIMBURSEMENT FROM THE INTERIM UNIVERSAL ACCESS ACCOUNT; AMENDING SECTIONS 69-3-859 AND 69-3-861, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 69-3-859, MCA, is amended to read:

“69-3-859. Interim universal access program — services provided at discounts — reimbursements. (1) Telecommunications carriers shall provide advanced services to eligible users at specified discounts. The amount of the discount must be reimbursed to the provider from *available funds* in the interim universal access account established in 69-3-861.

(2) Except as provided in subsection (3), the advanced discount is equal to 50% of the best cost rate available to any business customer for an equivalent of one 56 kbps dedicated circuit to the nearest access point for the requested service. However, the cost to the eligible user may not exceed \$100 a month.

(3) If funds from the interim universal access account are not sufficient to fully reimburse for discounts authorized in subsection (2), the amount of the discounts to each eligible user must be reduced proportionally.

(4) Even if best cost rates available to any business customer increase by more than 5%, the amount payable by an eligible user may not increase by more than 5% during the period from April 22, 1997, to January 1, 2000.

(5) Subject to restrictions in federal law, if interstate universal access services are established by the federal communications commission, federal funding for universal access services must be used to reduce state funding for intrastate services."

Section 2. Section 69-3-861, MCA, is amended to read:

"69-3-861. Interim universal access program — account. An interim universal access account is established in the state special revenue fund in the state treasury. All money received by the department of revenue pursuant to the surcharge that was in effect during the fiscal year ending June 30, 1999, must be paid to the state treasurer for deposit in the account. After payment of refunds, the balance of the account ~~must be used for the purposes described in 69-3-859~~ on [the effective date of this act] must be transferred as follows:

(1) 90% to the state special revenue fund to the credit of the department of public health and human services for the use of the department in providing social services; and

(2) 10% to the general fund."

Section 3. Effective date. [This act] is effective on passage and approval.

Approved August 20, 2002

CHAPTER NO. 18

[SB 27]

AN ACT REDUCING THE SHORTFALL IN GENERAL FUND REVENUE BY TRANSFERRING FUNDS FROM THE ACCOUNT FOR TELECOMMUNICATIONS SERVICES FOR PERSONS WITH DISABILITIES IN THE STATE SPECIAL REVENUE FUND TO THE GENERAL FUND; PROVIDING THAT THE TRANSFERRED FUNDS ARE TO BE USED BY THE MONTANA SCHOOL FOR THE DEAF AND BLIND TO BE CONSISTENT WITH THE PURPOSES OF THE EXISTING PROGRAM; AMENDING SECTIONS 53-19-306 AND 53-19-310, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 53-19-306, MCA, is amended to read:

"53-19-306. Program established — purpose. (1) The committee shall establish and administer a program to provide specialized telecommunications equipment and services to persons with disabilities and to assist appropriate facilities in obtaining hearing screening equipment that determines if infants

have a hearing impairment. *The legislature may allocate funds to the Montana school for the deaf and blind to be used for the purposes established in subsection (2).*

(2) The purpose of the program is to:

(a) furnish specialized telecommunications equipment to meet the needs of persons with disabilities;

(b) provide a telecommunications relay service system to connect persons with disabilities with all phases of public telecommunications service, including telecommunications service to emergency services and public safety agencies as defined in 10-4-101; and

(c) determine if infants are hearing-impaired as early as possible in order to reduce long-term costs in providing assistance.”

Section 2. Section 53-19-310, MCA, is amended to read:

“53-19-310. Fund for telecommunications services for persons with disabilities. (1) There is an account for telecommunications services for persons with disabilities in the state special revenue fund in the state treasury. The account consists of:

(a) all monetary contributions, gifts, and grants received by the committee as provided in 53-19-309;

(b) all charges billed and collected pursuant to 53-19-311; and

(c) all fees received pursuant to 53-19-307.

(2) ~~The~~ *Unless allocated to the Montana school for the deaf and blind, the money in the account is allocated to the committee for purposes of implementing this part.*

(3) All expenditures of the committee in administering this part must be paid from money deposited in the account.”

Section 3. Fund transfer. There is transferred \$56,995 from the account for telecommunications services for persons with disabilities in the state special revenue fund to the general fund to be used by the Montana school for the deaf and blind to be consistent with the purposes provided for in 53-19-310.

Section 4. Effective date. [This act] is effective on passage and approval.

Approved August 20, 2002

CHAPTER NO. 19

[SB 30]

AN ACT REDUCING THE SHORTFALL IN GENERAL FUND REVENUE BY REQUIRING THE SEMIANNUAL PAYMENT OF METALLIFEROUS MINES LICENSE TAXES BASED UPON CURRENT YEAR PRODUCTION; AMENDING SECTIONS 15-37-102, 15-37-103, 15-37-104, 15-37-105, 15-37-106, 15-37-108, AND 15-37-117, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-37-102, MCA, is amended to read:

“15-37-102. Gross value of metal mine yield — computation — definitions. As used in this part, the following definitions apply:

(1) ~~The “annual reporting date”, as used in this part, means the last day of the calendar year. The “annual gross~~ “Gross value of product”, as used in this part, means the receipts received, as defined in 15-23-801, from all merchantable metals or concentrate containing metals or precious and semiprecious gems and stones extracted or produced ~~each calendar year~~ *each reporting period* from any mine or mining property in the state or recovered from the smelting, milling, reduction, or treatment in any manner of ores extracted from the mine or mining property or from tailings resulting from the smelting, reduction, or treatment of the ores; and

(2) “reporting period” means:

(a) for periods beginning prior to January 1, 2003, the calendar year; and

(b) for periods beginning on or after January 1, 2003, the 6-month period ending June 30 or December 31, as applicable.”

Section 2. Section 15-37-103, MCA, is amended to read:

“15-37-103. Rate of tax. (1) ~~The annual~~ license tax to be paid by a person engaged in or carrying on the business of working or operating any mine or mining property in this state from which gold, silver, copper, lead, or any other metal or metals or precious or semiprecious gems or stones are produced ~~shall be~~ is an amount computed on the gross value of product ~~which may have been~~ derived by the person from mining business, work, or operation within this state during the ~~calendar year immediately~~ *preceding reporting period*.

(2) Concentrate shipped to a smelter, mill, or reduction work is taxed at the following rates:

Gross Value of Product	Rate of Tax (percentage of gross value)
first \$250,000	0%
more than \$250,000	1.81% of the increment

(3) Gold, silver, or any platinum-group metal that is dore, bullion, or matte and that is shipped to a refinery is taxed at the following rates:

Gross Value of Product	Rate of Tax (percentage of gross value)
first \$250,000	0%
more than \$250,000	1.6% of the increment”

Section 3. Section 15-37-104, MCA, is amended to read:

“15-37-104. Mine operator’s statement of gross value — reports and sampling. (1) Every person engaged in or carrying on the business of working or operating any mine or mining property in this state from which gold, silver, copper, lead, or any other metal or metals, or precious or semiprecious gems or stones are produced ~~must shall~~, not later than ~~March 31 following the end of each calendar year~~ *the date for payment of the tax under 15-37-105*, when engaged in or carrying on any mining business, work, or operation, make out a statement of the gross value of product from all mines and mining properties worked or operated by the person during the ~~calendar year immediately preceding reporting period~~. If good cause is shown, the department may grant a reasonable extension of the time for filing statements. The statements ~~shall must~~

be in the form prescribed by the department of revenue and ~~shall~~ *must* show the following:

- (a) the name, address, and telephone number of the owner, lessee, or operator of the mine or mining property;
 - (b) the mine's location by county and legal description;
 - (c) the number of tons of ore, concentrate, or other mineral products or deposits extracted from the mine or mining property during the period covered by the statement;
 - (d) the name and location of the smelter, mill, or reduction works to which the ore or concentrate has been shipped or sold during the period covered by the statement and other information as the department may require;
 - (e) the gross yield of the ores, concentrates, mineral products, or deposits in constituents of commercial value, such as the number of ounces of gold or silver, pounds of copper, lead, or zinc, or other commercially valuable constituents of the ores, concentrates, or mineral products or deposits, measured by standard units of measurement, during the period covered by the statement;
 - (f) the annual gross value of product in dollars and cents.
- (2) This section applies regardless of the location of any smelter, mill, or reduction works to which the ore or concentrate is shipped.
- (3) Any sampling, testing, or assaying made necessary to comply with this section must be completed within this state and prior to any mixture of the ore or concentrate to be assayed with ore or concentrate from any other mine or mining property."

Section 4. Section 15-37-105, MCA, is amended to read:

"15-37-105. Computation and payment of tax. (1) The tax due under this part is computed according to 15-37-103. ~~and For the reporting period defined in 15-37-102(2)(a), the tax is due and payable on or before March 31 of each year. For the reporting periods defined in 15-37-102(2)(b), the tax is due at the end of the reporting period, and for the reporting period ending June 30, the tax is payable by August 15, and for the reporting period ending December 31, the tax is payable by March 31. For The tax is imposed on the products produced in the preceding calendar year reporting period.~~

(2) The tax due under this part becomes delinquent as of:

(a) midnight on March 31 ~~of the year immediately following the production year for the reporting period defined in 15-37-102(2)(a) or for each reporting period ending December 31 under 15-37-102(2)(b); and~~

(b) midnight on August 15 for each reporting period ending June 30 under 15-37-102(2)(b).

(3) If good cause is shown, the department may grant a reasonable extension of time for payment of the tax. During the period of any extension granted, the tax due bears interest as provided in 15-1-216.

~~(2)~~(4) If any person has sold or otherwise disposed of any of the mine's products at a price substantially below the true market price of the product at the time and place of sale or disposal, then the department shall compute the gross value of the portion of the mine's product sold or disposed of substantially below the market price. The gross value must be based upon the quotations of the price of the mine's product in New York City at the time the portion of the product was sold or otherwise disposed of as evidenced by some established

authority or market report, such as the Engineering and Mining Journal of New York, or some other standard publication, giving the market reports for the ~~year~~ *reporting period* covered by the statement. If there is no quotation covering any particular product, then the department shall fix the value of the gross product or portion of the gross product that was sold or otherwise disposed of at a price substantially below the true market price at the time and place of sale or disposal in a manner as may seem to be equitable."

Section 5. Section 15-37-106, MCA, is amended to read:

"15-37-106. Procedure in case of failure to file statements. If ~~any a~~ *any a* person ~~shall fail, refuse, or neglect~~ *fails, refuses, or neglects* to make and file the required ~~annual~~ statement of gross yield for a ~~production year~~ *reporting period* on or before ~~March 31 of the year immediately following the production year~~ *the date the tax becomes delinquent under 15-37-105*, the department of revenue shall, immediately after the time has expired, ascertain and determine as nearly as may be possible from any returns or reports filed with any state or county officer or board under any law of this state and from any other information ~~which that~~ the department may be able to obtain the total gross value of product of the person from the business during the ~~calendar year~~ *calendar year immediately preceding the year in reporting period* for which the license tax is to be paid. The department shall make and file a statement showing the amount of the gross value of product and shall ascertain, determine, compute, and assess the amount of the license taxes due from and to be paid by the person. ~~and The~~ *and The* department shall ~~immediately~~ *as soon as possible*, give notice to the person in the same manner as though the statement had been filed within time. The department shall proceed to collect the license tax, along with the same penalty and interest as provided for other delinquencies."

Section 6. Section 15-37-108, MCA, is amended to read:

"15-37-108. Delinquent taxes — penalty and interest. All license taxes assessed under the provisions of this part become delinquent if not paid on or before midnight of ~~March 31 of the year immediately following the production year~~ *the date established in 15-37-105(2)*. The department shall add to the amount of delinquent metalliferous mines tax penalty and interest as provided in 15-1-216. The department may waive a late payment penalty as provided in 15-1-206."

Section 7. Section 15-37-117, MCA, is amended to read:

"15-37-117. Disposition of metalliferous mines license taxes. (1) Metalliferous mines license taxes collected under the provisions of this part must, in accordance with the provisions of 15-1-501, be allocated as follows:

- (a) to the credit of the general fund of the state, 58% of total collections each year;
- (b) to the state special revenue fund to the credit of a hard-rock mining impact trust account, 2.5% of total collections each year;
- (c) to the hard-rock mining reclamation debt service fund created in 82-4-312, 8.5% of total collections each year;
- (d) to the reclamation and development grants program state special revenue account, 7% of total collections each year; and
- (e) ~~on or before June 1~~ *within 60 days of the date the tax is payable pursuant to 15-37-105*, to the county or counties identified as experiencing fiscal and economic impacts, resulting in increased employment or local government costs,

under an impact plan for a large-scale mineral development prepared and approved pursuant to 90-6-307, in direct proportion to the fiscal and economic impacts determined in the plan or, if an impact plan has not been prepared, to the county in which the mine is located, 24% of total collections each year, to be allocated by the county commissioners as follows:

(i) not less than 37.5% to the county hard-rock mine trust reserve account established in 7-6-2225; and

(ii) all money not allocated to the account pursuant to subsection (1)(e)(i) to be further allocated as follows:

(A) 33 1/3% is allocated to the county for planning or economic development activities;

(B) 33 1/3% is allocated to the elementary school districts within the county that have been affected by the development or operation of the metal mine; and

(C) 33 1/3% is allocated to the high school districts within the county that have been affected by the development or operation of the metal mine.

(2) When an impact plan for a large-scale mineral development approved pursuant to 90-6-307 identifies a jurisdictional revenue disparity, the county shall distribute the proceeds allocated under subsection (1)(e) in a manner similar to that provided for property tax sharing under Title 90, chapter 6, part 4.

(3) The department shall return to the county in which metals are produced the tax collections allocated under subsection (1)(e). The allocation to the county described by subsection (1)(e) is a statutory appropriation pursuant to 17-7-502."

Section 8. Effective date. [This act] is effective on passage and approval.

Section 9. Applicability. [This act] applies to metalliferous mines license taxes for periods beginning on or after January 1, 2003.

Approved August 20, 2002

CHAPTER NO. 20

[HB 9]

AN ACT REDUCING THE GENERAL FUND SHORTFALL IN REVENUE BY REDUCING THE TRANSFER OF \$500,000 FROM THE RESOURCE INDEMNITY TRUST FUND FOR WEED MANAGEMENT TO \$300,000; TRANSFERRING \$1 MILLION FROM THE RESOURCE INDEMNITY TRUST FUND TO THE RECLAMATION AND DEVELOPMENT GRANTS ACCOUNT; TRANSFERRING \$1,000 FROM THE ORPHAN SHARE FUND TO THE GENERAL FUND AND TRANSFERRING AN ADDITIONAL \$999,000 FROM THE ORPHAN SHARE FUND TO THE GENERAL FUND IF FUNDS ARE AVAILABLE; REVISING THE ALLOCATION OF RESOURCE INDEMNITY TRUST FUND INTEREST; AMENDING SECTIONS 15-38-202, 75-10-743, AND 80-7-823, MCA, SECTION 2, CHAPTER 108, LAWS OF 1997, SECTIONS 1 AND 2, CHAPTER 232, LAWS OF 2001, AND SECTION 5, CHAPTER 573, LAWS OF 2001; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Transfer to reclamation and development grants account. There is transferred to the reclamation and development grants account, as provided in 90-2-1104, in the fiscal year ending June 30, 2003, \$1 million from the resource indemnity trust fund, as provided in 15-38-202, from the first money paid into the resource indemnity trust fund that exceeds \$100 million.

Section 2. Section 2, Chapter 108, Laws of 1997, is amended to read:

“Section 2. Approved grant projects. (1) The legislature approves the grants listed in subsection (2), to be made in the order of priority as indicated within the following list of projects and activities. If the conditions in [sections 3 and 4] are met, funds must be awarded up to the amounts approved in this section in order of priority until available funds are expended. Funds not accepted by grantees or funds not used by higher-ranked projects and activities must be provided for projects and activities lower on the priority list that would otherwise not receive funding. Descriptions of the various projects and activities and specific conditions established for each project and activity are contained within the department of natural resources and conservation reclamation and development grants program report to the 55th legislature for the 1999 biennium.

(2) The following are the grants program prioritized projects and activities:

Applicant/Project	Grant Amount
MONTANA BOARD OF OIL AND GAS CONSERVATION	
Balco Disposal Facility, Plug and Abandonment and Site Restoration	\$600,000
NATURAL RESOURCES AND CONSERVATION, DEPARTMENT OF	
Reliance Refinery Soils and Sludge Cleanup #1	300,000 115,548
NATURAL RESOURCES AND CONSERVATION, DEPARTMENT OF	
Reliance Refinery Soils and Sludge Cleanup #2	282,300
ENVIRONMENTAL QUALITY - ABANDONED, DEPARTMENT OF	
Nancy Lee Mine Complex Reclamation	286,914
ENVIRONMENTAL QUALITY - ABANDONED, DEPARTMENT OF	
Nellie Grant Mine Reclamation Project	288,040
POWELL COUNTY	
Charter Oak Mine and Mill Reclamation	300,000
MILE HIGH CONSERVATION DISTRICT	
Highland Mill Reclamation	258,070
BUTTE-SILVER BOW LOCAL GOVERNMENT*	
Upper Clark Fork Basin: Superfund Technical Assistance	91,532
MONTANA BOARD OF OIL AND GAS CONSERVATION*	
1996 “A” Orphaned Well Plug and Abandonment and Site Restoration	164,222
CARBON COUNTY	
Dry Hydrant Demonstration Project	157,579

TOOLE COUNTY*

North Toole County Reclamation Project	40,000
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MONTANA BOARD OF OIL AND GAS CONSERVATION*

1996 "B" Orphaned Well Plug and Abandonment and Site Restoration	0
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The board of oil and gas conservation is authorized to expend remaining funds from grants to the board in this subsection (2) and remaining funds from grants previously awarded to the board to pay for the proper plugging of additional abandoned oil and gas wells. This may include funding the seven priority wells identified in the 1996 "B" orphaned well plug and abandonment project. In determining which wells to plug, abandoned wells that represent the greatest threat to the environment and public health and safety should be given priority over all others.

BUTTE-SILVER BOW LOCAL GOVERNMENT

Butte Mine Subsidence Reclamation	81,250
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ROSEBUD CONSERVATION DISTRICT

Hydrologic & Geologic Feasibility — Coal Mine Pits as Water Impounds	150,000
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DEER LODGE VALLEY CONSERVATION DISTRICT

Development of Acid- and Heavy Metal-Tolerant Cultivars	100,000
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(3) To the entities listed in this section, this appropriation constitutes a valid obligation of these funds for purposes of encumbering the funds within the 1999 biennium pursuant to 17-7-302.

(4) The funding provided to the grant projects in this section and identified by an asterisk (*) following the applicant's name is eligible for and may be designated for use as a nonfederal match for the federal funding acquired for the nonpoint source pollution control program administered by the department of environmental quality."

Section 3. Section 1, Chapter 232, Laws of 2001, is amended to read:

"Section 1. Appropriations for reclamation and development grants. (1) The amount of ~~\$4,100,000~~ \$3,800,000 is appropriated to the department of natural resources and conservation from the reclamation and development grants special revenue account from funds allocated for appropriation from the interest income of the resource indemnity trust fund set forth in Title 15, chapter 38.

(2) The funds appropriated in this section must be awarded by the department to the entities listed in [section 2] for the prescribed purposes and in the prescribed grant amounts, subject to the conditions provided in [sections 2 through 4]."

Section 4. Section 2, Chapter 232, Laws of 2001, is amended to read:

"Section 2. Approved grant projects. (1) The legislature approves the grants listed in subsection (2), to be made in the order of priority as indicated within the following list of projects and activities. If the conditions in [sections 3 and 4] are met, funds must be awarded up to the amounts approved in this section in order of priority until available funds are expended. Funds not accepted by grantees or funds not used by higher-ranked projects and activities must be provided for projects and activities lower on the priority list that would otherwise not receive funding. Descriptions of the various projects and activities

and specific conditions established for each project and activity are contained within the department of natural resources and conservation's reclamation and development grants program report to the 57th legislature for the 2003 biennium.

(2) The following are the grants program prioritized projects and activities:

Applicant/Project	Grant Amount
BOARD OF OIL AND GAS CONSERVATION*	\$300,000
2001 Eastern District Orphaned Well Plug & Abandonment & Site Restoration	
BOARD OF OIL AND GAS CONSERVATION*	300,000
2001 Northern District Orphaned Well Plug & Abandonment & Site Restoration	
DEPARTMENT OF ENVIRONMENTAL QUALITY	300,000
Development of Trust Fund to Ensure Long-Term Water Treatment at Zortman-Landusky	
POWELL COUNTY*	300,000
Ontario Wet Tailings Reclamation	
CITY OF LEWISTOWN*	297,740
Reclamation of Brewery Flats on Big Spring Creek	
DEPARTMENT OF ENVIRONMENTAL QUALITY*	291,191
CMC Pony Mill Site Reclamation Project (completion phase)	
BROADWATER CONSERVATION DISTRICT*	145,380
Big Belt Mine Reclamation Projects	
CITY OF DEER LODGE*	140,000
Former Chicago Milwaukee Railroad Passenger Fueling Area, Deer Lodge, Montana	
BUTTE-SILVER BOW COUNTY	49,272
Upper Clark Fork Basin; Superfund Technical Assistance	
BOARD OF OIL AND GAS CONSERVATION	250,000
2001 Southern District Orphaned Well Plug & Abandonment & Site Restoration	
CUSTER COUNTY CONSERVATION DISTRICT*	299,977
Yellowstone River Resource Conservation Project	
CASCADE COUNTY / WEED AND MOSQUITO MANAGEMENT	218,466
Fort Shaw Weed Shop Soil Contamination Remediation	
DEPARTMENT OF ENVIRONMENTAL QUALITY*	300,000
Organic Soil Amendments	
DEPARTMENT OF ENVIRONMENTAL QUALITY*	300,000
Zortman Mine - Ruby Gulch Tailings Removal	

The state grant is subject to receipt of federal funds to complete tailings removal and stream channel restoration above, within, and below the Zortman townsite.

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	DEPARTMENT OF ENVIRONMENTAL QUALITY	250,000
	Coal Bed Methane Gas EIS	
	GLACIER COUNTY*	150,000
	2000 Glacier County Plugging & Abandonment	
	PONDERA COUNTY*	100,000
	Pondera County Oil & Gas Well Plug & Abandonment Project	
	LIBERTY COUNTY*	50,000
	Abandonment Aid Program for Small Independent Operators in Liberty, Hill, Blaine, & Chouteau Counties	
	DEPARTMENT OF ENVIRONMENTAL QUALITY*	300,000
	Gregory Mine Reclamation Project	
	SHERIDAN COUNTY CONSERVATION DISTRICT	299,950
	Protecting Natural Resources by Reclaiming Oilfield Brine Contaminated Soils	
	DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION	272,500
	DNRC Environmental Hazard Sites on State Land	
	FLATHEAD COUNTY	167,821
	Assessment of Aggregate Resources for Long-Term Planning in Flathead & Missoula Counties	

(3) To the entities listed in this section, this appropriation constitutes a valid obligation of these funds for purposes of encumbering the funds within the 2003 biennium pursuant to 17-7-302.

(4) The funding provided to the grant projects in this section and identified by an asterisk (*) following the applicant's name is eligible for and may be designated for use as a nonfederal match for the federal funding acquired for the nonpoint source pollution control program administered by the department of environmental quality."

Section 5. Section 5, Chapter 573, Laws of 2001, is amended to read:

"Section 5. Capital improvements. (1) The following money is appropriated to the department of fish, wildlife, and parks in the indicated amounts for the purpose of making capital improvements to statewide facilities:

Agency/Project	LRBP	Other Funding Sources
Fishing Access Site Maintenance, Statewide	\$ 275,000	State Special Revenue
Fishing Access Site Protection, Statewide	600,000	State Special Revenue
	100,000	Federal Special Revenue
Hatchery Maintenance, Statewide	575,000	State Special Revenue
Future Fisheries	2,010,000	State Special Revenue
	1,860,000	
Valier Boat Ramp	150,000	Federal Special Revenue
Wildlife Habitat Maintenance	750,000	State Special Revenue
Waterfowl Stamp Program	342,950	State Special Revenue

If Senate Bill No. 238 is not passed and approved, the amount listed in state special revenue for this item is reduced by \$112,950.

Upland Game Bird Program	1,200,000	State Special Revenue
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Cultural and Historic Parks	1,060,000	State Special Revenue
	150,000	Federal Special Revenue
Motorboat Recreation	1,039,650	State Special Revenue

If House Bill No. 132 is not passed and approved, the amount listed in state special revenue for this item is reduced by \$285,000.

	505,000	Federal Special Revenue
Federal WB	745,000	Federal Special Revenue
State Park Roads	400,000	State Special Revenue
Capitol Complex Grounds Improvements	150,000	Capitol Land Grant Revenue
Federal Trails Grants	1,900,000	Federal Special Revenue
OHV Trails Grants	425,000	State Special Revenue
LWCF Grants	2,250,000	Federal Special Revenue

(2) The following money is appropriated to the department of military affairs in the indicated amount for the purpose of making capital improvements to statewide facilities:

Agency/Project	LRBP	Other Funding Sources
Federal Spending Authority	\$1,500,000	Federal Special Revenue

(3) The following money is appropriated to the university of Montana in the indicated amounts for the purpose of making capital improvements to campus facilities:

Agency/Project	LRBP	Other Funding Sources
Grant Projects, All Campuses	\$1,500,000	Federal, Donations, Grants
ADA Code/Deferred Maintenance, All Campuses	1,000,000	Federal, Donations, Grants

(4) The following money is appropriated to the department of transportation in the indicated amount for the purpose of making capital improvements to statewide facilities:

Agency/Project	LRBP	Other Funding Sources
Maintenance, Repair, and Small Projects, Statewide	\$2,300,000	Highways State Special Revenue"

Section 6. Section 15-38-202, MCA, is amended to read:

"15-38-202. (Temporary) Investment of resource indemnity trust fund — expenditure — minimum balance. (1) All money paid into the resource indemnity trust fund, including money payable into the fund under the provisions of 15-36-324 and 15-37-117, must be invested at the discretion of the board of investments. Only the net earnings, excluding unrealized gains and losses, may be appropriated and expended until the fund balance, excluding unrealized gains and losses, reaches \$100 million. Thereafter, all net earnings, excluding unrealized gains and losses, and all receipts may be appropriated by the legislature and expended, provided that the fund balance, excluding unrealized gains and losses, may never be less than \$100 million.

(2) (a) At the beginning of each fiscal year, there is allocated from the interest income of the resource indemnity trust fund:

(i) \$240,000, which is statutorily appropriated, as provided in 17-7-502, to be deposited into the renewable resource grant and loan program state special revenue account to support the operations of the environmental science-water quality instructional programs at Montana state university-northern, to be used for support costs, for matching funds necessary to attract additional funds to further expand statewide impact, and for enhancement of the facilities

related to the programs. Any amount of the appropriation in this subsection (2)(a)(i) that is not pledged to repay bonds issued prior to January 1, 1999, may be deposited in a permanent fund account, the income from which may be used for the purposes provided in this subsection.

(ii) \$2 million to be deposited into the renewable resource grant and loan program state special revenue account, created by 85-1-604, for the purpose of making grants;

(iii) *for the fiscal year beginning July 1, 2002, through the fiscal year ending June 30, 2005, \$1.2 million and for fiscal years beginning on or after July 1, 2005, \$1.5 million* to be deposited into the reclamation and development grants special revenue account, created by 90-2-1104, for the purpose of making grants;

(iv) \$300,000 to be deposited into the ground water assessment account created by 85-2-905; and

(v) *for the fiscal year beginning July 1, 2002, through the fiscal year ending June 30, 2005, \$350,000 and for fiscal years beginning on or after July 1, 2005, \$500,000* to the department of fish, wildlife, and parks for the purposes of 87-1-283. The future fisheries review panel shall approve and fund qualified mineral reclamation projects before other types of qualified projects.

(b) At the beginning of each biennium, there is allocated from the interest income of the resource indemnity trust fund:

(i) an amount not to exceed \$175,000 to the environmental contingency account pursuant to the conditions of 75-1-1101;

(ii) an amount not to exceed \$50,000 to the oil and gas production damage mitigation account pursuant to the conditions of 82-11-161; and

(iii) \$500,000 to be deposited into the water storage state special revenue account created by 85-1-631.

(c) The remainder of the interest income is allocated as follows:

(i) ~~Thirty percent~~ *For the fiscal year beginning July 1, 2002, through the fiscal year ending June 30, 2005, 25.5% and for fiscal years beginning on or after July 1, 2005, 30%* of the interest income of the resource indemnity trust fund must be allocated to the renewable resource grant and loan program state special revenue account created by 85-1-604.

(ii) ~~Twenty-six percent~~ *For the fiscal year beginning July 1, 2002, through the fiscal year ending June 30, 2005, 22% and for fiscal years beginning on or after July 1, 2005, 26%* of the interest income of the resource indemnity trust fund must be allocated to the hazardous waste/CERCLA special revenue account provided for in 75-10-621.

(iii) ~~Thirty-five percent~~ *For the fiscal year beginning July 1, 2002, through the fiscal year ending June 30, 2005, 45% and for fiscal years beginning on or after July 1, 2005, 35%* of the interest income from the resource indemnity trust fund must be allocated to the reclamation and development grants account provided for in 90-2-1104.

(iv) ~~Nine percent~~ *For the fiscal year beginning July 1, 2002, through the fiscal year ending June 30, 2005, 7.5% and for fiscal years beginning on or after July 1, 2005, 9%* of the interest income of the resource indemnity trust fund must be allocated to the environmental quality protection fund provided for in 75-10-704.

(3) Any formal budget document prepared by the legislature or the executive branch that proposes to appropriate funds other than as provided for by the allocations in subsection (2) must specify the amount of money from each allocation that is proposed to be diverted and the proposed use of the diverted funds. A formal budget document includes a printed and publicly distributed budget proposal or recommendation, an introduced bill, or a bill developed during the legislative appropriation process or otherwise during a legislative session. (Terminates July 1, 2009—sec. 9, Ch. 529, L. 1999.)

15-38-202. (Effective July 1, 2009) Investment of resource indemnity trust fund — expenditure — minimum balance. (1) All money paid into the resource indemnity trust fund, including money payable into the fund under the provisions of 15-36-324 and 15-37-117, must be invested at the discretion of the board of investments. Only the net earnings, excluding unrealized gains and losses, may be appropriated and expended until the fund balance, excluding unrealized gains and losses, reaches \$100 million. Thereafter, all net earnings, excluding unrealized gains and losses, and all receipts may be appropriated by the legislature and expended, provided that the fund balance, excluding unrealized gains and losses, may never be less than \$100 million.

(2) (a) At the beginning of each fiscal year, there is allocated from the interest income of the resource indemnity trust fund:

(i) \$240,000, which is statutorily appropriated, as provided in 17-7-502, to be deposited into the renewable resource grant and loan program state special revenue account to support the operations of the environmental science-water quality instructional programs at Montana state university-northern, to be used for support costs, for matching funds necessary to attract additional funds to further expand statewide impact, and for enhancement of the facilities related to the programs. Any amount of the appropriation in this subsection (2)(a)(i) that is not pledged to repay bonds issued prior to January 1, 1999, may be deposited in a permanent fund account, the income from which may be used for the purposes provided in this subsection.

(ii) \$2 million to be deposited into the renewable resource grant and loan program state special revenue account, created by 85-1-604, for the purpose of making grants;

(iii) \$1.5 million to be deposited into the reclamation and development grants special revenue account, created by 90-2-1104, for the purpose of making grants; and

(iv) \$300,000 to be deposited into the ground water assessment account created by 85-2-905.

(b) At the beginning of each biennium, there is allocated from the interest income of the resource indemnity trust fund:

(i) an amount not to exceed \$175,000 to the environmental contingency account pursuant to the conditions of 75-1-1101;

(ii) an amount not to exceed \$50,000 to the oil and gas production damage mitigation account pursuant to the conditions of 82-11-161; and

(iii) \$500,000 to be deposited into the water storage state special revenue account created by 85-1-631.

(c) The remainder of the interest income is allocated as follows:

(i) Thirty percent of the interest income of the resource indemnity trust fund must be allocated to the renewable resource grant and loan program state special revenue account created by 85-1-604.

(ii) Twenty-six percent of the interest income of the resource indemnity trust fund must be allocated to the hazardous waste/CERCLA special revenue account provided for in 75-10-621.

(iii) Thirty-five percent of the interest income from the resource indemnity trust fund must be allocated to the reclamation and development grants account provided for in 90-2-1104.

(iv) Nine percent of the interest income of the resource indemnity trust fund must be allocated to the environmental quality protection fund provided for in 75-10-704.

(3) Any formal budget document prepared by the legislature or the executive branch that proposes to appropriate funds other than as provided for by the allocations in subsection (2) must specify the amount of money from each allocation that is proposed to be diverted and the proposed use of the diverted funds. A formal budget document includes a printed and publicly distributed budget proposal or recommendation, an introduced bill, or a bill developed during the legislative appropriation process or otherwise during a legislative session. (Terminates June 30, 2014—sec. 5, Ch. 497, L. 1999.)

15-38-202. (Effective July 1, 2014) Investment of resource indemnity trust fund — expenditure — minimum balance. (1) All money paid into the resource indemnity trust fund, including money payable into the fund under the provisions of 15-36-324 and 15-37-117, must be invested at the discretion of the board of investments. Only the net earnings, excluding unrealized gains and losses, may be appropriated and expended until the fund balance, excluding unrealized gains and losses, reaches \$100 million. Thereafter, all net earnings, excluding unrealized gains and losses, and all receipts may be appropriated by the legislature and expended, provided that the fund balance, excluding unrealized gains and losses, may never be less than \$100 million.

(2) (a) At the beginning of each fiscal year, there is allocated from the interest income of the resource indemnity trust fund:

(i) \$2 million to be deposited into the renewable resource grant and loan program state special revenue account, created by 85-1-604, for the purpose of making grants;

(ii) \$1.5 million to be deposited into the reclamation and development grants special revenue account, created by 90-2-1104, for the purpose of making grants; and

(iii) \$300,000 to be deposited into the ground water assessment account created by 85-2-905.

(b) At the beginning of each biennium, there is allocated from the interest income of the resource indemnity trust fund:

(i) an amount not to exceed \$175,000 to the environmental contingency account pursuant to the conditions of 75-1-1101;

(ii) an amount not to exceed \$50,000 to the oil and gas production damage mitigation account pursuant to the conditions of 82-11-161; and

(iii) \$500,000 to be deposited into the water storage state special revenue account created by 85-1-631.

(c) The remainder of the interest income is allocated as follows:

(i) Thirty percent of the interest income of the resource indemnity trust fund must be allocated to the renewable resource grant and loan program state special revenue account created by 85-1-604.

(ii) Twenty-six percent of the interest income of the resource indemnity trust fund must be allocated to the hazardous waste/CERCLA special revenue account provided for in 75-10-621.

(iii) Thirty-five percent of the interest income from the resource indemnity trust fund must be allocated to the reclamation and development grants account provided for in 90-2-1104.

(iv) Nine percent of the interest income of the resource indemnity trust fund must be allocated to the environmental quality protection fund provided for in 75-10-704.

(3) Any formal budget document prepared by the legislature or the executive branch that proposes to appropriate funds other than as provided for by the allocations in subsection (2) must specify the amount of money from each allocation that is proposed to be diverted and the proposed use of the diverted funds. A formal budget document includes a printed and publicly distributed budget proposal or recommendation, an introduced bill, or a bill developed during the legislative appropriation process or otherwise during a legislative session."

Section 7. Section 75-10-743, MCA, is amended to read:

"75-10-743. (Temporary) Orphan share state special revenue account—reimbursement of claims—payment of department costs. (1) There is an orphan share account in the state special revenue fund established in 17-2-102 that is to be administered by the department. Money in the account is available to the department by appropriation and must be used to reimburse remedial action costs claimed pursuant to 75-10-742 through 75-10-752 and to pay costs incurred by the department in defending the orphan share.

(2) There must be deposited in the orphan share account:

(a) money allocated from the metalliferous mines license tax pursuant to 15-37-117;

(b) all penalties assessed pursuant to 75-10-750(12);

(c) funds received from the interest income of the resource indemnity trust fund pursuant to 15-38-202;

(d) funds allocated from the resource indemnity and ground water assessment tax proceeds provided for in 15-38-106;

(e) unencumbered funds remaining in the abandoned mines state special revenue account;

(f) interest income on the account;

(g) funds received from settlements pursuant to 75-10-719(7); and

(h) funds received from reimbursement of the department's orphan share defense costs pursuant to subsection (6).

(3) If the orphan share fund contains sufficient money, valid claims must be reimbursed subsequently in the order in which they were received by the department. If the orphan share fund does not contain sufficient money to reimburse claims for completed remedial actions, a reimbursement may not be

made and the orphan share fund, the department, and the state are not liable for making any reimbursement for the costs. The department and the state are not liable for any penalties if the orphan share fund does not contain sufficient money to reimburse claims, and interest may not accrue on outstanding claims.

(4) Except as provided in subsection (8), claims may not be submitted and remedial action costs may not be reimbursed from the orphan share fund until all remedial actions, except for operation and maintenance, are completed at a facility.

(5) Reimbursement from the orphan share fund must be limited to actual documented remedial action costs incurred after the date of petition provided in 75-10-745. Reimbursement may not be made for attorney fees, legal costs, or operation and maintenance costs.

(6) (a) The department's costs incurred in defending the orphan share must be paid by the persons participating in the allocation under 75-10-742 through 75-10-752 in proportion to their allocated shares. The orphan share fund is responsible for a portion of the department's costs incurred in defending the orphan share in proportion to the orphan share's allocated share, as follows:

(i) If sufficient funds are available in the orphan share fund, the orphan share fund must pay the department's costs incurred in defending the orphan share in proportion to the share of liability allocated to the orphan share.

(ii) If sufficient funds are not available in the orphan share fund, persons participating in the allocation under 75-10-742 through 75-10-752 shall pay all the orphan share's allocated share of the department's costs incurred in defending the orphan share in proportion to each person's allocated share of liability.

(b) A person who pays the orphan share's proportional share of costs has a claim against the orphan share fund and must be reimbursed as provided in subsection (3).

(7) If any money remains in the orphan share fund after June 30, 2005, and after outstanding claims are paid, the money must be deposited in the general fund.

(8) If the lead liable person under 75-10-746 presents evidence to the department that the person cannot complete the remedial actions without partial reimbursement and that a delay in reimbursement will cause undue financial hardship on the person, the department may allow the submission of claims and may reimburse the claims prior to the completion of all remedial actions. A person is not eligible for early reimbursement unless the person is in substantial compliance with all department-approved remedial action plans.

(9) A person participating in the allocation process who received funds under the mixed funding pilot program provided for in sections 14 through 20, Chapter 584, Laws of 1995, may not claim or receive reimbursement from the orphan share fund for the amount of funds received under the mixed funding pilot program that are later attributed to the orphan share under the allocation process.

75-10-743. (Temporary — effective July 1, 2002) Orphan share state special revenue account — reimbursement of claims — payment of department costs. (1) There is an orphan share account in the state special revenue fund established in 17-2-102 that is to be administered by the department. Money in the account is available to the department by appropriation and must be used to reimburse remedial action costs claimed

pursuant to 75-10-742 through 75-10-752 and to pay costs incurred by the department in defending the orphan share.

(2) There must be deposited in the orphan share account:

- (a) all penalties assessed pursuant to 75-10-750(12);
- (b) funds received from the interest income of the resource indemnity trust fund pursuant to 15-38-202;
- (c) funds allocated from the resource indemnity and ground water assessment tax proceeds provided for in 15-38-106;
- (d) unencumbered funds remaining in the abandoned mines state special revenue account;
- (e) interest income on the account;
- (f) funds received from settlements pursuant to 75-10-719(7); and
- (g) funds received from reimbursement of the department's orphan share defense costs pursuant to subsection (6).

(3) If the orphan share fund contains sufficient money, valid claims must be reimbursed subsequently in the order in which they were received by the department. If the orphan share fund does not contain sufficient money to reimburse claims for completed remedial actions, a reimbursement may not be made and the orphan share fund, the department, and the state are not liable for making any reimbursement for the costs. The department and the state are not liable for any penalties if the orphan share fund does not contain sufficient money to reimburse claims, and interest may not accrue on outstanding claims.

(4) Except as provided in subsection (8), claims may not be submitted and remedial action costs may not be reimbursed from the orphan share fund until all remedial actions, except for operation and maintenance, are completed at a facility.

(5) Reimbursement from the orphan share fund must be limited to actual documented remedial action costs incurred after the date of petition provided in 75-10-745. Reimbursement may not be made for attorney fees, legal costs, or operation and maintenance costs.

(6) (a) The department's costs incurred in defending the orphan share must be paid by the persons participating in the allocation under 75-10-742 through 75-10-752 in proportion to their allocated shares. The orphan share fund is responsible for a portion of the department's costs incurred in defending the orphan share in proportion to the orphan share's allocated share, as follows:

(i) If sufficient funds are available in the orphan share fund, the orphan share fund must pay the department's costs incurred in defending the orphan share in proportion to the share of liability allocated to the orphan share.

(ii) If sufficient funds are not available in the orphan share fund, persons participating in the allocation under 75-10-742 through 75-10-752 shall pay all the orphan share's allocated share of the department's costs incurred in defending the orphan share in proportion to each person's allocated share of liability.

(b) A person who pays the orphan share's proportional share of costs has a claim against the orphan share fund and must be reimbursed as provided in subsection (3).

(7) (a) *On [the effective date of this act], \$1,000 is transferred from the orphan share fund to the general fund. If sufficient money remains in the orphan share fund on June 29, 2003, \$999,000 must be transferred to the general fund.*

(b) *If any money remains in the orphan share fund after June 30, 2005, and after outstanding claims are paid, the money must be deposited in the general fund.*

(8) *If the lead liable person under 75-10-746 presents evidence to the department that the person cannot complete the remedial actions without partial reimbursement and that a delay in reimbursement will cause undue financial hardship on the person, the department may allow the submission of claims and may reimburse the claims prior to the completion of all remedial actions. A person is not eligible for early reimbursement unless the person is in substantial compliance with all department-approved remedial action plans.*

(9) *A person participating in the allocation process who received funds under the mixed funding pilot program provided for in sections 14 through 20, Chapter 584, Laws of 1995, may not claim or receive reimbursement from the orphan share fund for the amount of funds received under the mixed funding pilot program that are later attributed to the orphan share under the allocation process. (Terminates June 30, 2005—sec. 30, Ch. 415, L. 1997.)*

Section 8. Section 80-7-823, MCA, is amended to read:

“80-7-823. Transfer of funds. ~~(1)~~ (1) *There is transferred \$100,000 annually from the highway nonrestricted account, provided for in 15-70-125, to the noxious weed state special revenue account, provided for in 80-7-816, for the purposes provided in 80-7-705.*

~~(2) *There is a one-time transfer in fiscal year 2003 of up to \$500,000 from the resource indemnity trust fund, as provided in 15-38-202, from the first money paid into the resource indemnity trust fund that exceeds \$100 million for the purposes provided in 80-7-705.*~~

(2) There is a one-time transfer in fiscal year 2003 of up to \$300,000 from the resource indemnity trust fund, as provided in 15-38-202, from the first money paid into the resource indemnity trust fund that exceeds \$100 million for the purposes provided in 80-7-705.”

Section 9. Effective date. [This act] is effective on passage and approval.

Approved August 21, 2002

CHAPTER NO. 21

[SB 1]

AN ACT REDUCING THE GENERAL FUND SHORTFALL IN REVENUE BY REVISING THE LAWS RELATING TO THE DISTRIBUTION OF MONEY FROM ALCOHOL TAXES FOR PURPOSES OF FUNDING TREATMENT FOR ALCOHOLISM, CHEMICAL DEPENDENCY, AND RELATED ILLNESSES; REVISING RESTRICTIONS ON ADMINISTRATION OF PROCEEDS DERIVED FROM ALCOHOL TAXES; AMENDING SECTION 53-24-108, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A TERMINATION DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 53-24-108, MCA, is amended to read:

"53-24-108. Use of funds generated by taxation on alcoholic beverages. (1) Revenue generated by 16-1-404, 16-1-406, and 16-1-411 and allocated to the department to be used *as matching funds for the Montana medicaid program and to be used* in state-approved private or public programs whose function is the treatment, rehabilitation, and prevention of alcoholism, which for the purposes of this section includes chemical dependency, may be distributed in any of the following ways:

(a) as payment of fees for alcoholism services provided by state-approved private or public alcoholism programs and licensed hospitals for detoxification services;

(b) as grants to state-approved private or public alcoholism programs; or

(c) as matching funds for the Montana medicaid program administered by the department that are used for *the treatment of alcoholism and*, chemical dependency ~~programs, and related illnesses.~~

(2) ~~(a) After providing funding pursuant to 53-24-206(3)(b) of at least \$1 million a year, services~~ Services provided by funding under this chapter may include treatment and rehabilitation for persons with co-occurring mental illness and chemical dependency, ~~but the total amount expended may not exceed \$1.3 million in each biennium.~~

(b) *The department shall distribute at least \$1 million to state-approved chemical dependency programs during fiscal year 2003. During fiscal year 2003, the department may use other sources of funding to meet its obligations under this subsection (2)(b). At least \$730,000 of funds distributed under this subsection (2)(b) must be derived from revenue generated by 16-1-404, 16-1-406, and 16-1-411 and must be distributed to counties, as provided in 53-24-206(3)(b), for the private or public programs approved pursuant to 53-24-208. The remaining balance may consist of a combination of funds generated by taxation on alcoholic beverages and other funds available to the department.*

(3) A person operating a state-approved alcoholism program may not be required to provide matching funds as a condition of receiving a grant under subsection (1).

(4) In addition to funding received under this section, a person operating a state-approved alcoholism program may accept gifts, bequests, or the donation of services or money for the treatment, rehabilitation, or prevention of alcoholism.

(5) A person receiving funding under this section to support operation of a state-approved alcoholism program may not refuse alcoholism treatment, rehabilitation, or prevention services to a person solely because of that person's inability to pay for those services.

(6) A grant made under this section is subject to the following conditions:

(a) The grant application must contain an estimate of all program income, including income from earned fees, gifts, bequests, donations, and grants from other than state sources during the period for which grant support is sought.

(b) Whenever, during the period of grant support, program income exceeds the amount estimated in the grant application, the amount of the excess must be reported to the grantor.

(c) The excess must be used by the grantee under the terms of the grant in accordance with one or a combination of the following options:

(i) use for any purpose that furthers the objectives of the legislation under which the grant was made; or

(ii) to allow program growth through the expansion of services or for capital expenditures necessary to improve facilities where services are provided.

(7) Revenue generated by 16-1-404, 16-1-406, and 16-1-411 for the treatment, rehabilitation, and prevention of alcoholism that has not been encumbered for those purposes by the counties of Montana or the department must be returned to the state special revenue fund for the treatment, rehabilitation, and prevention of alcoholism within 30 days after the close of each fiscal year and must be distributed by the department the following year as provided in 53-24-206(3)(b). ~~(Subsection (2) terminates July 1, 2003—sec. 6, Ch. 470, L. 2001.)~~ *(Subsection (2) terminates July 1, 2003—sec. 6, Ch. 470, L. 2001.)*

Section 2. Effective date. [This act] is effective on passage and approval.

Section 3. Termination. [This act] terminates July 1, 2003.

Approved August 21, 2002

CHAPTER NO. 22

[SB 17]

AN ACT REVISING SEX OFFENDER LAWS TO CONFORM TO FEDERAL LAW; REVISING THE DEFINITIONS OF “SEXUAL OFFENSE” AND “VIOLENT OFFENSE”; REVISING THE CONDITIONS FOR REGISTRATION BASED UPON DURATION OF TIME IN A COUNTY; PROVIDING THAT AN OFFENDER CONVICTED OF SEXUAL INTERCOURSE WITHOUT CONSENT AGAINST A VICTIM UNDER 12 YEARS OF AGE IS SUBJECT TO MANDATORY LIFETIME REGISTRATION; REMOVING SEXUALLY VIOLENT PREDATORS FROM THE CATEGORY OF OFFENDERS WHO MAY RECEIVE A RISK LEVEL CLASSIFICATION REDUCTION; AMENDING SECTIONS 46-12-204, 46-18-202, 46-18-256, 46-23-502, 46-23-504, 46-23-506, AND 46-23-509, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 46-12-204, MCA, is amended to read:

“46-12-204. Plea alternatives. (1) A defendant may plead guilty, not guilty, or, with the consent of the court and the prosecutor, nolo contendere. If a defendant refuses to plead or if a defendant corporation fails to appear, the court shall enter a plea of not guilty.

(2) The court may not accept a plea of guilty or nolo contendere without first determining that the plea is voluntary and not the result of force or threats or of promises apart from the plea agreement. The court shall also inquire as to whether the defendant’s willingness to plead guilty or nolo contendere results from prior discussions between the prosecutor and the defendant or the defendant’s attorney.

(3) With the approval of the court and the consent of the prosecutor, a defendant may enter a plea of guilty or nolo contendere, reserving the right, on appeal from the judgment, to review the adverse determination of any specified

pretrial motion. If the defendant prevails on appeal, the defendant must be allowed to withdraw the plea.

(4) The court may not accept a plea of nolo contendere in a case involving a sexual offense, as defined in 46-23-502, *except an offense under 45-5-301 through 45-5-303.*"

Section 2. Section 46-18-202, MCA, is amended to read:

"46-18-202. Additional restrictions on sentence. (1) The sentencing judge may also impose any of the following restrictions or conditions on the sentence provided for in 46-18-201 that the judge considers necessary to obtain the objectives of rehabilitation and the protection of the victim and society:

- (a) prohibition of the offender's holding public office;
- (b) prohibition of the offender's owning or carrying a dangerous weapon;
- (c) restrictions on the offender's freedom of association;
- (d) restrictions on the offender's freedom of movement;
- (e) a requirement that the defendant provide a biological sample for DNA testing for purposes of Title 44, chapter 6, part 1, if an agreement to do so is part of the plea bargain;
- (f) any other limitation reasonably related to the objectives of rehabilitation and the protection of the victim and society.

(2) Whenever the sentencing judge imposes a sentence of imprisonment in a state prison for a term exceeding 1 year, the sentencing judge may also impose the restriction that the offender is ineligible for parole and participation in the supervised release program while serving that term. If the restriction is to be imposed, the sentencing judge shall state the reasons for it in writing. If the sentencing judge finds that the restriction is necessary for the protection of society, the judge shall impose the restriction as part of the sentence and the judgment must contain a statement of the reasons for the restriction.

(3) An offender convicted of a sexual offense, as defined in 46-23-502, *except an offense under 45-5-301 through 45-5-303*, and sentenced to imprisonment in a state prison shall enroll in and complete the educational phase of the prison's sexual offender program."

Section 3. Section 46-18-256, MCA, is amended to read:

"46-18-256. Sexually transmitted disease testing — test procedure.

(1) Following entry of judgment, a person convicted of a sexual offense, as defined in 46-23-502, *except an offense under 45-5-301 through 45-5-303*, must, at the request of the victim of the sexual offense or the parent or guardian of the victim, if the victim is a minor, be administered standard testing according to currently accepted protocol, using guidelines established by the centers for disease control, U.S. department of health and human services, to detect in the person the presence of antibodies indicative of the presence of human immunodeficiency virus (HIV) or other sexually transmitted diseases, as defined in 50-18-101.

(2) Arrangements for the test required by subsection (1) must be made by the county attorney of the county in which the person was convicted. The test must be conducted by a health care provider, as defined in 50-16-504.

(3) The county attorney of the county in which the person was convicted shall release the information concerning the test results to:

(a) the convicted person; and

(b) the victim of the offense committed by the convicted person or to the parent or guardian of the victim if the victim is a minor.

(4) At the request of the victim of a sexual offense or the parent or guardian of the victim if the victim is a minor, the victim must be provided counseling regarding HIV disease, HIV testing (in accordance with applicable law), and referral for appropriate health care and support services.

(5) For purposes of this section, "convicted" includes an adjudication, under the provisions of 41-5-1502, finding a youth to be a delinquent youth or a youth in need of intervention.

(6) The provisions of the AIDS Prevention Act, Title 50, chapter 16, part 10, do not apply to this section."

Section 4. Section 46-23-502, MCA, is amended to read:

"46-23-502. Definitions. As used in 46-18-255 and this part, the following definitions apply:

(1) "Department" means the department of corrections provided for in 2-15-2301.

(2) "Mental abnormality" means a congenital or acquired condition that affects the mental, emotional, or volitional capacity of a person in a manner that predisposes the person to the commission of one or more sexual offenses to a degree that makes the person a menace to the health and safety of other persons.

(3) "Personality disorder" means a personality disorder as defined in the fourth edition of the Diagnostic and Statistical Manual of Mental Disorders adopted by the American psychiatric association.

(4) "Predatory sexual offense" means a sexual offense committed against a stranger or against a person with whom a relationship has been established or furthered for the primary purpose of victimization.

(5) "Sexual offender evaluator" means a person qualified under rules established by the department to conduct sexual offender and sexually violent predator evaluations.

(6) "Sexual offense" means:

(a) any violation of or attempt, solicitation, or conspiracy to commit a violation of 45-5-301 (*if the victim is less than 18 years of age and the offender is not a parent of the victim*), 45-5-302, 45-5-303, 45-5-502(3), 45-5-503, 45-5-504(1) (if the victim is under 18 years of age and the offender is 18 years of age or older), 45-5-504(2)(c), 45-5-507 (if the victim is under 18 years of age and the offender is 3 or more years older than the victim), 45-5-603(1)(b), or 45-5-625; or

(b) any violation of a law of another state or the federal government reasonably equivalent to a violation listed in subsection (6)(a).

(7) "Sexual or violent offender" means a person who has been convicted of a sexual or violent offense.

(8) "Sexually violent predator" means a person who has been convicted of a sexual offense and who suffers from a mental abnormality or a personality disorder that makes the person likely to engage in predatory sexual offenses.

(9) "Violent offense" means:

(a) any violation of or attempt, solicitation, or conspiracy to commit a violation of 45-5-102, 45-5-103, 45-5-202, 45-5-206 (third or subsequent offense),

45-5-210(1)(b), (1)(c), or (1)(d), 45-5-212, 45-5-213, ~~45-5-301 (if the victim is less than 18 years of age and the offender is not a parent of the victim), 45-5-302, 45-5-303, 45-5-401, 45-5-603(1)(b), or 45-6-103; or~~

(b) any violation of a law of another state or the federal government reasonably equivalent to a violation listed in subsection (9)(a)."

Section 5. Section 46-23-504, MCA, is amended to read:

"46-23-504. Persons required to register — procedure. (1) A sexual or violent offender:

(a) shall register immediately upon conclusion of the sentencing hearing if the offender is not sentenced to confinement or is not sentenced to the department and placed in confinement by the department;

(b) must be registered as provided in 46-23-503 at least 10 days prior to release from confinement if sentenced to confinement or sentenced to the department and placed in confinement by the department;

(c) shall register within 10 days of entering a county of this state for the purpose of residing or setting up a temporary domicile for 10 days or more ~~if the offender was sentenced in another state or for an aggregate period exceeding 30 days in a calendar year.~~

(2) Registration under subsection (1)(a) must be with the probation office having supervision over the offender. Registration under subsection (1)(c) must be with the chief of police of the municipality or the sheriff of the county if the offender resides in an area other than a municipality. Whichever person an offender registers with under subsection (1)(c) shall notify the other person of the registration.

(3) At the time of registering, the offender shall sign a statement in writing giving the information required by the department of justice. The chief of police or sheriff shall fingerprint the offender, unless the offender's fingerprints are on file with the department of justice, and shall photograph the offender. Within 3 days, the chief of police or sheriff shall send copies of the statement, fingerprints, and photographs to the department of justice.

(4) The department of justice shall mail a registration verification form each 90 days to an offender designated as a level 3 offender under 46-23-509 and each year to a violent offender or an offender designated as a level 1 or level 2 offender under 46-23-509. The form must require the offender's current address and notarized signature. Within 10 days after receipt of the form, the offender shall complete the form and return it to the department.

(5) The offender is responsible, if able to pay, for costs associated with registration. The fees charged for registration may not exceed the actual costs of registration. The department of justice may adopt a rule establishing fees to cover registration costs incurred by the department of justice in maintaining registration and address verification records. The fees must be deposited in the general fund.

(6) The clerk of the district court in the county in which a person is convicted of a sexual or violent offense shall notify the sheriff in that county of the conviction within 10 days after entry of the judgment."

Section 6. Section 46-23-506, MCA, is amended to read:

"46-23-506. Duration of registration. (1) A sexual offender required to register under this part shall register for the remainder of the offender's life,

except as provided in subsection (3) or during a period of time during which the offender is in prison.

(2) A violent offender required to register under this part shall register:

(a) for the 10 years following release from confinement or, if not confined following sentencing, for the 10 years following the conclusion of the sentencing hearing; or

(b) if convicted during the 10-year period provided in subsection (2)(a) of failing to register or keep registration current or of a felony, for the remainder of the offender's life unless relieved of the duty to register as provided in subsection (3).

(3) Except as provided in subsection (5), at any time after 10 years of registration, the offender may petition the sentencing court or the district court for the judicial district in which the offender resides for an order relieving the offender of the duty to register. The petition must be served on the county attorney in the county where the petition is filed. Prior to a hearing on the petition, the county attorney shall mail a copy of the petition to the victim of the last offense for which the offender was convicted if the victim's address is reasonably available. The court shall consider any written or oral statements of the victim. The court may grant the petition upon finding that:

(a) the offender has remained a law-abiding citizen; and

(b) continued registration is not necessary for public protection and that relief from registration is in the best interests of society.

(4) The offender may move that all or part of the proceedings in a hearing under subsection (3) be closed to the public, or the judge may close them on the judge's own motion. If a proceeding is closed to the public, the judge shall permit a victim of the offense to be present unless the judge determines that exclusion of the victim is necessary to protect the offender's right of privacy or the safety of the victim. If the victim is present, the judge, at the victim's request, shall permit the presence of an individual to provide support to the victim unless the judge determines that exclusion of the individual is necessary to protect the offender's right to privacy.

(5) Subsection (3) does not apply to an offender who was convicted of:

(a) *a violation of 45-5-503 if:*

(i) the victim was compelled to submit by force, as defined in 45-5-501, against the victim or another; or

(ii) *at the time the offense occurred, the victim was under 12 years of age;*

(b) *a violation of 45-5-507 if at the time the offense occurred the victim was under 12 years of age and the offender was 3 or more years older than the victim;*

(c) a second or subsequent sexual offense that requires registration; or

(d) a sexual offense and was designated as a sexually violent predator under 46-23-509."

Section 7. Section 46-23-509, MCA, is amended to read:

"46-23-509. Sexual offender evaluations and designations — rulemaking authority. (1) The department shall adopt rules for the qualification of sexual offender evaluators who conduct sexual offender and sexually violent predator evaluations and for determinations by sexual offender

evaluators of the risk of a repeat offense and the threat that an offender poses to the public safety.

(2) Prior to sentencing of a person convicted of a sexual offense, the department or a sexual offender evaluator shall provide the court with a sexual offender evaluation report recommending one of the following levels of designation for the offender:

(a) level 1, the risk of a repeat sexual offense is low;

(b) level 2, the risk of a repeat sexual offense is moderate;

(c) level 3, the risk of a repeat sexual offense is high, there is a threat to public safety, and the sexual offender evaluator believes that the offender is a sexually violent predator.

(3) Upon sentencing the offender, the court shall:

(a) review the sexual offender evaluation report, any statement by a victim, and any statement by the offender;

(b) designate the offender as level 1, 2, or 3; and

(c) designate a level 3 offender as a sexually violent predator.

(4) An offender designated as a level 2 ~~or level 3~~ offender may petition the sentencing court to change the offender's designation if the offender has enrolled in and successfully completed the treatment phase of either the prison's sexual offender program or of an equivalent program approved by the department. After considering the petition, the court may change the offender's risk level designation if the court finds by clear and convincing evidence that the offender's risk of committing a repeat sexual offense has changed since the time sentence was imposed. The court shall impose one of the three risk levels specified in this section.

(5) If, at the time of sentencing, the sentencing judge did not apply a level designation to a sexual offender who is required to register under this part, the department shall designate the offender as level 1, 2, or 3 when the offender is released from confinement."

Section 8. Effective date. [This act] is effective on passage and approval.

Section 9. Applicability. [This act] applies to convictions on or after [the effective date of this act].

Approved August 21, 2002

CHAPTER NO. 23

[HB 2]

AN ACT AMENDING THE GENERAL APPROPRIATIONS ACT OF 2001; AMENDING CHAPTER 572, LAWS OF 2001; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Chapter 572, Laws of 2001, is amended to read:

"Section 1. Short title. [This act] may be cited as "The General Appropriations Act of 2001".

Section 2. First level expenditures. The agency and program appropriation tables in the legislative fiscal analyst narrative accompanying

~~this bill~~ Chapter 572, Laws of 2001, showing first level expenditures and changes in [this act] to funding for the 2003 biennium, are adopted as legislative intent.

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of [this act] is for any reason held unconstitutional, the decision does not affect the validity of the remaining portions of [this act].

Section 4. Appropriation control. An appropriation item designated as "Biennial" may be spent in either year of the biennium. An appropriation item designated "Restricted" may be used during the biennium only for the purpose designated by its title and as presented to the legislature. An appropriation item designated "One Time Only" or "OTO" may not be included in the present law base for the 2005 biennium. The office of budget and program planning shall establish a separate appropriation on the statewide budgeting and accounting system for any item designated as "Biennial", "Restricted", "One Time Only", or "OTO". The office of budget and program planning shall establish at least one appropriation on the statewide budgeting and accounting system for any appropriation that appears as a separate line item in [this act].

Section 5. Program definition. As used in [this act], "program" has the same meaning as defined in 17-7-102, is consistent with the management and accountability structure established on the statewide budgeting and accounting system, and is identified as a major subdivision of an agency ordinarily numbered with an arabic numeral.

Section 6. Personal services funding — 2005 biennium. (1) Except as provided in subsection (2), present law and new proposal funding budget requests for the 2005 biennium submitted under Title 17, chapter 7, part 1, by each executive, judicial, and legislative branch agency must include funding of first level personal services separate from funding of other expenditures. The funding of first level personal services by accounting entity or equivalent for each fiscal year must be shown at the fourth reporting level or equivalent in the budget request for the 2005 biennium submitted by October 30 to the legislative fiscal analyst by the office of budget and program planning.

(2) The provisions of subsection (1) do not apply to the Montana university system.

Section 7. Personal services line item. Funds appropriated for personal services or indicated in legislative intent as having been appropriated for personal services may not be expended under any other category except for contract services (expenditure account 62102) or for the early return to work program. Any transfer of funds from personal services to contract services is to be used to directly substitute for use of personal services. Any transfer for either contract services or for the early return to work program must be reported in writing to the legislative finance committee. The provisions of this section do not apply to the Montana university system *or to the disability services division in the department of public health and human services for the purposes of adjusting the disabled population between institution and residential settings.*

Section 8. Vacancy savings analysis. The legislature is concerned about the use of the concept of vacancy savings in establishing funding for personal services. It is the intent of the legislature that an analysis of vacancy savings be completed prior to the 2003 legislative session to include the consideration of alternative options for funding of personal services at an appropriate level. The legislative finance committee is requested to include this analysis as part of the House Bill No. 613 personal services study if House Bill No. 613 is passed and approved or to include the analysis in the committee work plan for the

legislative fiscal division. The legislative finance committee is encouraged to work cooperatively with the governor's budget director in completing this analysis.

Section 9. FTE reduction. The number of FTE has been reduced for all positions in the executive branch (excluding the university system) that have been identified by the legislature as vacant for over 7 months and that are not seasonal, already filled, or newly classified. The reduction is inclusive in the number of FTE shown in the agency and program tables in the legislative fiscal analyst narrative accompanying this bill. The eliminated positions are not to be funded in the present law base budget submitted by the governor for the 2005 biennium. The Legislative Fiscal Division Fiscal Report shall include a table listing the position numbers of the FTE that are eliminated. The number of FTE eliminated by agency is as follows:

Department of Transportation	49.27
Department of Revenue	2.03
Department of Administration	4.84
Department of Public Health and Human Services	9.26
Department of Fish, Wildlife, and Parks	5.02
Department of Environmental Quality	7.75
Department of Livestock	1.00
Department of Natural Resources and Conservation	9.27
Department of Agriculture	1.00
Department of Commerce	2.00
Department of Justice	4.00
Department of Public Service Regulation	0.50
Department of Corrections	0.65
Department of Labor and Industry	7.25
Office of Public Instruction	1.00

Section 10. Goals, benchmarks, and objectives. Each department, the Montana university system, and, when appropriate, each division of each department shall place their respective specific and measurable goals, benchmarks, and objectives for each year of the 2003 biennium on their respective internet websites or, when appropriate, on the state's internet website. On July 1, 2001, and again on July 1, 2002, each department and the Montana university system shall report progress on the appropriate website in meeting the goals, benchmarks, and objectives and what changes, if any, were made to ensure that those goals, benchmarks, and objectives are attained. *On October 1, 2002, each department and the Montana university system shall report to the legislative finance committee and on their respective websites their revised goals, benchmarks, and objectives to reflect specific actions taken and changes made to implement the reductions in expenditures ordered by the governor under the authority of 17-7-140 on June 28, 2002, and all budget reduction actions taken by the legislature in the August 2002 Special Session. Revised performance measures must:*

(1) *include a specific list of what programs, services, or procedures are being revised, reduced, or eliminated from current levels of operation because of budget reductions and the reasons for the change;*

(2) clearly state which programs or services are the highest priority and should be maintained and why they are the highest priority;

(3) clearly state which programs or services are the least critical and why they are a lower priority;

(4) clearly state the criteria used to prioritize programs in view of budget reductions; and

(5) clearly state the specific management actions taken to implement these budget reductions and program or service revisions.

Section 11. Report from governor's office on energy management efforts. The governor's office, in cooperation with the commissioner of higher education, shall provide a report to the 58th legislature that details the efforts of state agencies to address energy costs. The report must include but is not limited to energy management activities of the department of environmental quality, the department of administration, and the Montana university system. The report should enumerate data, activities, and recommendations in the following areas:

(1) projected savings and other benefits from the state building energy conservation program, including building commissioning projects;

(2) potential changes to the conservation program that would encourage agency participation;

(3) other energy conservation efforts of state agencies;

(4) changes needed to encourage state agencies to conserve energy that do not require expending money on energy conservation projects;

(5) other energy conservation options and funding proposals;

(6) progress on the utility bill monitoring pilot project and potential benefits coming from the project;

(7) state government efforts to more efficiently purchase natural gas and electricity, including any plans to include more state facilities under the natural gas term contract and efforts to aggregate state agency electricity demand; and

(8) other recommendations to the legislature that would improve state government energy management efforts.

Section 12. Accruals analysis — 2005 biennium. The legislative fiscal division shall include an analysis of accruals for budget base year fiscal year 2002 and shall include a summary table and narrative in the Legislative Fiscal Division 2005 Biennium Budget Analysis that provides a listing by agency of total accruals and the amount that is recommended to be removed from the base budget.

Section 13. Energy costs reserve. A total of \$3.2 million must be set aside in the general fund for contingencies related to cost increases in electricity and natural gas expenditures by state government significantly above the amounts appropriated for this purpose in [this act] or to support litigation to secure affordable electricity or natural gas. The amount is classified as unreserved, designated general fund balance.

Section 14. Totals not appropriations. The totals shown in [this act] are for informational purposes only and are not appropriations.

Section 15. Effective date. [This act] is effective July 1, 2001.

Section 16. Appropriations. The following money is appropriated for the respective fiscal years:

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
c. Startup Costs for New Judgeships (OTO)						
0	0	0	0	0	0	0
d. State Assumption of District Courts (Restricted Biennial)						
300.500	0	0	0	800.500	0	0
5. Water Courts Supervision (05)						
0	569.691	0	0	569.691	0	0
6. Clerk of Court (06)						
288.419	0	0	0	337.855	0	0
a. Equipment (OTO)						
3.500	0	0	0	3.500	0	0
Total						
10318.002	1,819,691	463,735	0	13,501,418	1,553,959	353,735
<i>Item 1 includes a reduction in the fiscal year 2003 of \$12,176 in general fund money and represents the equivalent of 2.9% of office supplies expenditures funded with general fund money in fiscal year 2002. The agency may allocate this reduction in funding among programs when developing fiscal year 2003 operating plans.</i>						
<i>Item 1 includes a reduction of \$96,367 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the judiciary. The judiciary may allocate this reduction in funding among programs in its fiscal year 2003 operating plans.</i>						
Item 4a contains general fund money for an asbestos court. If federal funds are received for the purpose of funding a court to manage asbestos cases, the general fund appropriation in item 4a is reduced by a like amount.						
Item 4b is contingent upon passage and approval of House Bill No. 214.						
Item 4c is contingent upon passage and approval of House Bill No. 124.						
MONTANA CHIROPRACTIC LEGAL PANEL (2115)						
1. Legal Panel Operations (01)						
0	15,000	0	0	15,000	0	0
					15,000	0

11,598,407

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
5600	0	0	0	0	0	0
c. Energy Cost Contingency Account (Restricted Biennial FTO)						
0	838,151	387,533	0	0	0	0
5. Indian Affairs (05)						
112,504	0	0	0	112,583	0	0
a. Carryover Funds (Restricted)						
0	150,000	2,000,000	0	0	0	0
6. Lieutenant Governor (12)						
223,314	0	0	0	224,893	0	0
7. Citizens' Advocate Office (16)						
653,174	0	15,000	0	654,483	0	15,000
8. Mental Disabilities Board of Visitors (20)						
200,559	7,300	0	0	197,573	7,300	0
Total	4,332,643	1,336,655	2,531,130	4,423,317	310,633	45,104
				4,778,086		

General fund money up to \$51,000 for the 2003 biennium in item 1b not used for the extradition and transportation of prisoners may be used to purchase vans for county sheriffs and peace officers to transport prisoners.

The legislature recognizes that the cost for extradition and transportation of prisoners is dependent upon factors beyond the control of the agency and may exceed the appropriation provided. In that event, the agency will need to request a supplemental appropriation from the 2003 legislature to provide required extradition and transportation of prisoners.

Item 1 includes a reduction in fiscal year 2003 of \$18,966 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The governor's office may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.

Item 1 includes a reduction of \$42,777 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the governor's office. The governor's office may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Proprietary	Other	Total	Other

Item 1b and the accompanying language are contingent upon passage and approval of Senate Bill No. 328.

If Senate Bill No. 445 is not passed and approved, the appropriation in item 1c is void and the appropriation in item 4c is increased by \$1,700,000 in general fund money in fiscal year 2002.

Item 4c is a contingency account to be managed by the office of budget and program planning to respond to contingencies related to cost increases in electricity and natural gas expenditures by state government significantly above the amounts appropriated in [this act]. Requests for use of this account must be analyzed by the office of budget and program planning and approved by the governor. Distribution of this money to state agencies must be proportional to the overall needs of state agencies relative to the total funds available. Approved expenditures must be reported to the legislative finance committee.

Item 5a is contingent upon passage and approval of House Bill No. 21. Funds in item 5a for the 2003 biennium are limited to the unspent balance of the 2001 appropriation of up to \$150,000 in state special revenue and \$2 million in federal special revenue.

COMMISSIONER OF POLITICAL PRACTICES (3202)

1. Administration (01)

345.38	0	0	0	0	345.38	345.38	0	0	0	345.38	340.545
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a. Legislative Audit (Restricted Biennial)

4.965	0	0	0	0	4.965	0	0	0	0	0	0
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Total	350.345	0	0	0	350.345	345.38	340.545	0	0	345.38	340.545
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Item 1 includes a reduction in general fund money of \$571 in fiscal year 2002 and \$571 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget expenditures.

Item 1 includes a reduction in fiscal year 2003 of \$3,270 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002.

Item 1 includes a reduction of \$3,469 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the office.

	Fiscal 2002					Fiscal 2003						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
0	167,700	0	0	0	0	167,700	0	0	0	0	0	0
4. Motor Carrier Services Division (22)												
0	4,971,167	0	0	0	0	4,971,167	0	4,994,990	0	0	0	4,994,990
a. Mobile Officer Vehicle Enforcement Computers (OTO)												
0	6,300	0	0	0	0	6,300	0	0	0	0	0	0
5. Aeronautics Program (40)												
0	762,611	12,500	0	0	0	865,111	0	767,094	85,500	0	0	852,594
a. Airport Development Grants (Biennial)												
0	750,000	0	0	0	0	750,000	0	0	0	0	0	0
b. Airport Pavement Preservation Grants (Biennial)												
0	350,000	0	0	0	0	350,000	0	0	0	0	0	0
c. Federal Airport Improvement Grants (Biennial)												
0	16,667	300,000	0	0	0	316,667	0	0	0	0	0	0
6. Transportation Planning Division (50)												
0	2,121,160	10,719,635	0	0	0	12,840,795	0	1,934,315	13,166,607	0	0	15,103,932
a. Software and Field Data Collection (Biennial OTO)												
0	50,000	240,000	0	0	0	300,000	0	0	0	0	0	0
b. Statewide Truck Activity Reporting System (OTO)												
0	173,213	573,068	0	0	0	746,280	0	116,313	331,544	0	0	447,857
c. Transportation of Seniors and Persons With Disabilities												
0	171,093	0	0	0	0	171,093	0	947,318	0	0	0	947,318

The department may adjust appropriations in the construction, maintenance, and transportation planning programs between state special and federal special revenue fund types if the total state special revenue authority for these programs is not increased by more than 10% of the total appropriations established by the legislature for each program. All transfers between fund types must be fully explained and justified by budget documents submitted to the office of budget and program planning, and all fund transfers of more than \$1 million in any 30-day period must be communicated to the legislative finance committee in a written report.

	Fiscal 2002				Fiscal 2003			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue
3.154.374	0	183,941	70,370	0	2,413,635	2,361,282	0	194,682
3. Resource Management (05)								
1.498.151	0	0	1,085,894	0	2,184,345	1,836,582	0	1,050,050
4. Customer Service and Information Practices (06)								
3.716.801	228,644	103,135	749,075	0	5,725,855	3,432,041	232,754	1,042,210
						3,973,399		
3. Unclaimed Property Auditor (OTC)								
0	43,931	0	0	0	43,931	0	44,098	0
5. Compliance Valuation and Resolution (03)								
1.770.137	136,036	1,079,011	0	0	18,975,344	17,490,775	186,433	1,130,535
						17,467,399		
3. Salary Upgrades for Auditors (Biennial)								
208.144	0	0	0	0	208,144	0	0	0
b. SB 512 - Impose Electrical Energy Excess Revenue Tax (Restricted)								
193.730	0	0	0	0	193,730	196,845	0	0
c. SB 512 - Personal Computers (Restricted-OTC)								
6.000	0	0	0	0	6,000	0	0	0
Total	284,264,519	489,171	2,300,967	1,935,057	3,429,1634	2,463,3284	463,395	2,367,397
					3,429,1637	2,463,3287		

1. liquor division, proprietary fund necessary to maintain adequate inventories, pay freight charges, and turn ship profit and taxes to appropriate accounts are appropriated to the department in amounts not to exceed \$64,200,930 in fiscal year 2002 and \$67,857,880 in fiscal year 2003.

Item 1 includes a reduction of \$2,000 in fiscal year 2003 of general fund money. This reduction is the equivalent of a .6887% reduction in the fiscal year 2003 budget for equipment expenses. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 1 includes a reduction of \$276,423 in fiscal year 2003 of general fund money. This reduction is the equivalent of a .1% reduction in the fiscal year 2003 budget for the agency. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Total	General Fund	State Special Revenue	Total

Item 1b-1c-1d-5b and 5c are contingent upon passage and approval of Senate Bill No. 512.

Item 1. 4. and 5 include increases totaling \$813,754 in general fund money in fiscal year 2003 to fund 13.3 FTE compliance staff and to eliminate vacancy savings associated with 6 FTE existing compliance positions.

Item 4 includes a reduction of \$558,000 in general fund money in fiscal year 2002 and \$558,000 in fiscal year 2003 and an increase in proprietary funds of \$514,100 in fiscal year 2002 and \$514,100 in fiscal year 2003. These reductions and increases are contingent upon passage and approval of House Bill No. 389.

Item 5 includes a reduction in general fund money of \$15,066 in fiscal year 2002 and \$15,066 in fiscal year 2003. This reduction is the equivalent of a 3% reduction in fiscal year 2000 base budget expenditures. The department may reallocate this reduction in funding among divisions when developing the 2003 biennial operating plans.

Item 5 includes reductions of \$54,934,392 of general fund money in fiscal year 2002 and of \$54,934,392 of general fund money in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 124.

Item 5 includes a reduction in fiscal year 2003 of \$40,545 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.

The department shall provide status reports on the POINTS system to the revenue and taxation interim committee at each regularly scheduled committee meeting. The status reports must include work plan benchmark updates, progress on firing mission-critical and nonmission-critical defects, and the status of implementing and operating all phases of the system.

DEPARTMENT OF ADMINISTRATION (6101)

1. Accounting and Management Support Program (03)						
1.070.018	5,057	64,315	41,053	0	1,180,443	1,285,861
					1,027,749	2,313,610
a. Legislative Audit (Restricted Biennial)						
63.571	0	0	0	0	53,571	0
b. Actuarial Study — Police Retirement Fund (Restricted Biennial)						
2.480	0	0	0	0	2,480	0
c. Accounting Bureau Contracted Services (Biennial OTC)						
100.000	0	0	0	0	100,000	0

	Fiscal 2002				Fiscal 2003			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue
d. Special Purpose District Reports								
0	0	0	0	0	0	0	28,446	0
e. Local Government Services Division								
422,304	0	0	0	0	0	422,304	423,300	0
f. Consumer Affairs Division								
266,248	74,806	0	0	0	0	340,753	366,117	14,803
g. Telemarketing/ Lemon Law Programs Fund Switch (Restricted OTO)								
66,384	0	0	0	0	0	66,384	66,384	0
2. Architecture and Engineering Program (04)								
0	1,137,916	0	0	0	0	1,137,916	0	1,147,932
a. Legislative Audit (Restricted Biennial)								
0	1,635	0	0	0	0	1,635	0	0
3. Procurement and Printing Division (06)								
615,947	0	0	0	0	0	615,947	618,826	0
4. Information Services Division (07)								
127,653	0	800,000	0	0	0	927,653	126,668	0
a. Legislative Audit (Restricted Biennial)								
794	0	0	0	0	0	794	0	0
5. General Services Program (08)								
934,409	0	0	0	0	9,930,65	1,334,464	401,432	0
6. Banking and Financial Division (14)								
0	1,435,063	0	0	0	0	1,435,063	0	1,450,815
a. Legislative Audit (Restricted Biennial)								
0	2,621	0	0	0	0	2,621	0	0
7. Montana State Lottery (15)								
0	0	0	8,574,666	0	0	8,574,666	0	0
a. Legislative Audit (Restricted Biennial)								
0	0	0	8,504,389	0	0	8,504,389	0	0
			8,574,666			8,574,666		

	Fiscal 2002					Fiscal 2003						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
0	0	0	0	8,365	0	8,365	0	0	0	0	0	0
b. Online Terminals (OTO)												
0	0	0	0	345,000	0	345,000	0	0	0	0	0	0
8. State Personnel Division (23)												
1,092,385	26,600	0	0	1,118,989	1,095,102	2,194,991	27,400	0	0	0	0	1,122,802
9. State Tax Appeal Board (37)												
2,735,323	0	0	0	2,735,323	2,752,321	5,487,644	0	0	0	0	0	2,752,321
Total												
4,375,800	2,733,897	864,315	8,968,974	9,330,855	17,875,441	43,681,822	2,745,707	63,451	8,945,884	9,330,855		16,984,549
						4,703,661						16,984,549

For the data network rate, all increases over a rate of \$54.59 are one time only. The executive must use \$54.59 as the base level and justify all increases requested for the 2005 biennium over this level.

Item 1 includes a reduction in fiscal year 2003 of \$11,794 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.

Item 1 includes a reduction in general fund money of \$4,122 in fiscal year 2002 and \$4,122 in fiscal year 2003. This reduction is the equivalent of an 8% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 1 includes a reduction of \$4,049 in fiscal year 2003 of general fund money. This reduction is the equivalent of a .66% reduction in the fiscal year 2003 budget for equipment expenses. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 1 includes a reduction of \$42,678 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the agency. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 1e. 1f. 1g. 6a. 7. 7a. and 7b. and \$1,519 of general fund money in fiscal year 2002 in item 1a are contingent upon passage and approval of Senate Bill No. 445.

General Fund	State Special Revenue	Fiscal 2002			Fiscal 2003			Total	Other	Proprietary	Federal Special Revenue	State Special Revenue	General Fund	Proprietary	Other	Total
		General Fund	State Special Revenue	Proprietary	General Fund	State Special Revenue	Proprietary									

The department is appropriated in each of the fiscal years 2002 and 2003 up to \$500,000 of state special revenue that is deposited in the account established for the purpose of processing charter applications and for the chartering, examination, and regulation of each foreign capital depository that obtains a charter under the provisions of 32-8-205.

The department is appropriated up to \$55,354 in state special revenue authority in each year of the biennium for operations within the telemarketing and lemon law programs and shall seek and use state special revenue received from consumer affairs settlements authorized by a district court order to offset and minimize use of the general fund money within the telemarketing and lemon law programs as provided in 17-2-108.

The department shall report to the 2003 legislature on the status and results related to the purchase and placement of additional online terminals funded in item 7b.

Item 8 includes a reduction of \$21,490 in fiscal year 2002 and \$21,554 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

APPellate DEFENDER COMMISSION (6102)

1. Appellate Defender (01)																
0	177,634	0	0	0	177,634	178,901	0	0	0	0	0	0	178,901	176,878	0	178,901

Total	0	177,634	0	0	177,634	178,901	0	0	0	0	0	0	178,901	176,878	0	178,901
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Item 1 includes an increase of \$178,901 of general fund money in fiscal year 2003 and a reduction of \$178,901 of state special revenue in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 124.

Item 1 includes a reduction in fiscal year 2003 of \$637 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002.

Item 1 includes a reduction of \$1,789 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the commission.

TOTAL SECTION A

	Fiscal 2002				Fiscal 2003			
	General Fund	State Special Revenue	Proprietary	Other	General Fund	State Special Revenue	Proprietary	Other
	\$56,891,125	187,377,954	31,114,988	3,330,055	54,480,147	186,935,860	33,870,243	9,330,055
	\$8,167,045				\$4,477,301		10,687,574	

	Fiscal 2002					Fiscal 2003						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	0	0	3464.551	0	0	3464.551	0	0	0	0	0	0
			700.000			700.000						
m. FAIRM II R — Transportation (Biennial)												
0	0	0	791.899	0	0	791.899	0	0	0	0	0	0
n. FAIRM II R — Additional Month Grant for Working Families (Biennial)												
0	0	0	1238.979	0	0	1238.979	0	0	1304.570	0	0	1304.570
o. FAIRM II R — Emergency Supportive Services for Working Families (Biennial)												
0	0	0	1035.510	0	0	1035.510	0	0	2742.09	0	0	2742.09
p. FAIRM II R — School Breakfast Program (Biennial)												
0	0	0	178.178	0	0	178.178	0	0	0	0	0	0
q. FAIRM II R — Individual Development Accounts (Biennial)												
0	0	0	138.742	0	0	138.742	0	0	1359.86	0	0	1359.86
r. FAIRM II R — Children's Scholars (Head Start) (Biennial)												
0	0	0	1979.874	0	0	1979.874	0	0	0	0	0	0
s. FAIRM II R — TEAMS Reprovement Enhancements (Biennial)												
0	0	0	485.107	0	0	485.107	0	0	485.107	0	0	485.107
t. High Wage, High-Skill Training (Restricted Biennial)												
0	0	0	494.937	0	0	494.937	0	0	485.108	0	0	485.108
u. Adult Basic Education (Restricted)												
0	0	0	195.000	0	0	195.000	0	0	195.000	0	0	195.000
v. Children's Trust Fund (Biennial)												
0	0	0	250.000	0	0	250.000	0	0	250.000	0	0	250.000
w. TANF Plus Performance Bonus (Restricted)												
0	0	0	0	0	0	0	0	0	2276.700	0	0	2276.700
2. Child and Family Services Division (03)												
20392.15	1269.564	23364.881	0	0	0	45554.080	21541.204	1335.670	24105.035	0	0	45565.910
a. Computer Hardware (OTO)												
49.800	0	382.00	0	0	0	930.00	123.504	0	92.385	0	0	205.840

	Fiscal 2002					Fiscal 2003						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
b. Community Collaboration Project and FTE (Biennial OTO)	25000	0	3025000	0	0	3050000	25000	0	25000	0	0	50000
c. Big Brothers Big Sisters (OTO)	25000	0	0	0	0	25000	25000	0	0	0	0	25000
d. In-Home Services (Restricted)	100000	0	0	0	0	100000	0	0	0	0	0	0
3. Director's Office (04)	1,134,318	1,138,077	1,735,992	0	0	4,008,387	1,141,783	1,218,907	1,132,431	0	0	4,134,111
a. Deputy Director (Restricted)	37000	15,750	47250	0	0	100000	37000	15,750	47250	0	0	100000
4. Child Support Enforcement Division (05)	235000	2,738,222	6242500	0	0	9,265,822	225000	2,812,329	6,277,938	0	0	9,305,267
a. Voice Response Unit Enhancements (OTO)	0	10200	19500	0	0	30000	0	0	0	0	0	0
b. SEARCHS—Level of Effort Increase (Biennial OTO)	0	209,104	405908	0	0	615012	0	0	0	0	0	0
c. Financial Institutions Data Match (Restricted)	0	51000	99000	0	0	150000	0	51000	99000	0	0	150000
d. Cost Study—Raising a Child in Montana (Restricted OTO)	0	8631	113793	0	0	123414	0	0	0	0	0	0
5. Health Policy and Services Division (07)	63683731	7,138,743	233165988	0	0	304,038,467	68,017,693	7,750,885	248,236,170	0	0	324,034,748
a. Assistance to Montanans Exposed to Asbestos (Restricted OTO)	18500	0	0	0	0	18500	18500	0	0	0	0	18500
b. Medicaid Provider Rate Increases (RBRVS)	212,534	0	673,614	0	0	931,138	206,681	0	1,371,305	0	0	1,577,986
c. Cardiovascular Grant	0	0	260,902	0	0	260,902	0	0	237,768	0	0	237,768

	Fiscal 2002				Fiscal 2003			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue
c. Personal Assistant Wage Increases								
401.931	0	1080.114	0	0	1,482.045	638.676	0	1,736.544
d. Additional Federal Special Revenue								
0	0	1,000.000	0	0	1,000.000	0	0	1,000.000
e. <i>Maintain Community Services for Elderly and Physically Disabled (Restricted)</i>								
0	0	0	0	0	0	97.191	0	0
10. Addictive and Mental Disorders Division (33)								
49.801.030	6,163.613	70,643.831	0	0	136,847.453	54,418.733	6,550.908	75,394.948
						60,735.725		7,640.105
3. Community Incentive State Hospital (Restricted Biennial OTO)								
1,196.553	0	0	0	0	1,196.553	1,196.553	0	0
b. Basic Mental Health Services for Children (Restricted)								
647.953	0	0	0	0	647.953	671.938	0	0
c. Regional Mental Health System Planning (Restricted Biennial)								
208.531	0	273.041	0	0	436.573	308.530	0	376.040
d. Onsite Planning/Implementation (Restricted)								
0	0	30,000	0	0	30,000	0	0	30,000
e. Intergovernmental Transfer — Mental Health Services								
0	106.155	285.173	0	0	391.328	0	108.154	293.824
f. Intergovernmental Transfer — Chemical Dependency (Biennial)								
0	250,000	671,829	0	0	921,829	0	250,000	695,557
g. Law Enforcement/Judicial Training — Mental Illness (Restricted)								
42.219	0	25,332	0	0	25,332	42,324	0	25,335
h. Federal Community Incentive Grant — Chemical Dependency (OTO)								
0	0	3,594.483	0	0	3,594.483	0	0	3,594.483
i. SB 107 — Teleconferencing During Mental Health Proceedings								
7,800	0	0	0	0	7,800	8,190	0	0
j. <i>Maintain Mental Health Day Treatment for Children (Restricted)</i>								

General Fund	State Special Revenue	Fiscal 2002			Total	Other	Fiscal 2003			Total
		General Fund	Proprietary	Federal Special Revenue			General Fund	Proprietary	Federal Special Revenue	

- (2) the actual amount of TANF block grant maintenance of effort funds that have been expended in the current biennium;
- (3) the balance of previous fiscal years' TANF block grant funds that remain unexpended; and
- (4) the balance of the current fiscal year federal TANF block grant funds that remain unexpended.

The department shall use unexpended previous year federal TANF block grant funds to provide benefits and services that meet the federal definition of assistance. Current year federal TANF block grant funds must be used to fund benefits and services that meet the federal definition of assistance only after all available previous year's federal TANF block grant funds have been expended.

The office of budget and program planning may proportionally reduce the funding in items 1a through 1h, items 1m through 1t, and item 1v if any of the following conditions exist:

- (1) the department certifies to the office of budget and program planning that the balance of unexpended TANF funds on June 30, 2001, is less than \$30 million;
- (2) actual or projected cash assistance expenditures are greater than \$24,067,328 in fiscal year 2002 or \$23,763,354 in fiscal year 2003;
- (3) the amount of TANF grant funds awarded to Montana by congress is reduced below the level anticipated by the legislature; or
- (4) the department certifies to the office of budget and program planning that the reduction is necessary in order to maintain public assistance programs that were supported by federal TANF and state TANF maintenance of effort funds in fiscal year 2001.

If the TANF block grant funds report given at the March 2002 legislative finance committee meeting indicates that there are TANF phase II R dollars unexpended and no plan is in place to expend the remaining dollars, there is appropriated up to \$1.5 million of these unexpended funds for the summer youth employment program in the 2003 biennium.

Item 1 includes increases of \$3,852,983 of general fund money in fiscal year 2002 and of \$4,006,121 of general fund money in fiscal year 2003 and reductions of \$3,356,606 of state special revenue in fiscal year 2002 and of \$3,376,167 of state special revenue in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 124.

Funds in item 1 include \$68,422 in fiscal year 2002 and \$69,606 in fiscal year 2003 that the department shall use to reimburse the Montana department of corrections, Montana correctional enterprises, for costs incurred to operate the Montana food bank network canning and wild game processing facility.

Fiscal 2002			Fiscal 2003		
General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue

Funds included in items 1b and 1c may be used only to fund tribal projects and to provide nontraditional job training to an enrolled tribal member of a federally recognized tribe whose reservation lies within the exterior boundaries of the Montana reservation and to the Little Shell band of Chippewa if the Little Shell band of Chippewa becomes a federally recognized tribe.

Funds in item 1b may be used to fund head start services for tribal members. Tribal members may not access services supported by funds in item 1b because use of funding for tribal head start projects has been included in item 1b.

The department shall transfer funds in item 1l to the Montana board of housing revolving loan account to fund eligible activities under the federal TANF block grant. The timing and amount of the transfer must comply with federal regulations governing the expenditure and transfer of TANF funds.

Funds included in item 1t may be used only to develop programs for high wage and high skill training for single parents, persons who are economically disadvantaged, and displaced homemakers.

Funds included in item 1u may be used only to provide a adult basic education services.

The department shall transfer funds in item 1v to the children's trust fund to fund eligible child abuse and neglect prevention activities.

Projects funded in items 1s, 1d, 1f, 1g, 1h, 1i, 1j, 1k, 1l, 1m, 1n, 1o, 1p, 1q, 1r, 1s, 1t, and 1u are considered approved special projects related to welfare reform for the purpose of implementation of 53-4-210. Prior to the expenditure of these funds, the department shall provide notice both verbally and in writing to tribes that have implemented a federally approved tribal family assistance plan that funding for special projects is available. Tribes that operate a tribal family assistance plan may receive the funds in these items, and the department may award all or a portion of these funds to tribes that operate tribal family assistance plans as allowable within federal regulations.

Funds included in item 1w may be used only to provide TANF WAC contracts and supportive services and child-care services.

Item 2 includes increases of \$2,206,194 of general fund money in fiscal year 2002 and of \$2,241,893 of general fund money in fiscal year 2003 and reductions of \$2,172,078 of state special revenue in fiscal year 2002 and of \$2,135,314 of state special revenue in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 124.

Funds in item 2d may be used only to support the costs of in-home services for families in the child welfare system. The department estimates that 25 families or 50 children will be served with this funding and that 80% of the families served will not enter the foster care system. If the department achieves this goal, the estimated increase in the foster care caseload will decrease from .9% to .2%. Any savings realized because of a lower than anticipated caseload increase may be used by the department to expand the provision of in-home services or other services within the child welfare system.

Item 3 includes \$1,482,231 in fiscal year 2002 and \$1,482,748 in fiscal year 2003 for the tobacco prevention and control program. It is the intent of the legislature that the interagency coordinating council on prevention administer the tobacco control and prevention program.

General Fund	State Special Revenue	Fiscal 2002			Total	General Fund	State Special Revenue	Fiscal 2003			Total
		Revenue	Proprietary	Other				Revenue	Proprietary	Other	

Item 3 includes increases of \$93,333 of general fund money in fiscal year 2002 and of \$96,915 of general fund money in fiscal year 2003 and reductions of \$90,463 of state special revenue in fiscal year 2002 and of \$91,028 of state special revenue in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 124.

Item 3 includes funding for 5 FTE above the level funded by the 2001 legislature for the purpose of establishing a departmentwide refinancing unit. The cost of the FTE and any supporting contracting efforts must be supported from anticipated savings from the refinancing of social worker case management services and the winding off federal funding in the field and family services division. The department shall report the progress of its refinancing efforts periodically to the office of budget and program planning, legislative finance committee, and the 2003 legislature.

It is the intent of the legislature that up to \$3 million of funds that the department receives because of refinancing general fund costs with federal special revenue be used to offset the across-the-board general fund reductions included in item 7.

Funds in item 3a may be used only to fund a deputy director position within the department.

Funds included in item 4c may be used only to support costs for the completion of a financial institution data match.

Funds included in item 4d may be used only to support the costs incurred to complete a study of the costs of raising a child in Montana.

Items 5, 9, and 10 include appropriations of state special revenue for provider rate increases funded from the interest income on the tobacco settlement trust fund provided for in Article XII, section 4 of the Montana constitution. If the interest income on the tobacco settlement trust fund provided for in Article XII, section 4 of the Montana constitution is insufficient to fully fund the state special revenue appropriations in items 5, 9, and 10, the legislature intends that the department find alternative funding sources to fully fund the provider rate increases. Alternative sources may include but are not limited to enhanced Medicaid intergovernmental transfer programs and transfers of general fund money from other appropriations.

Item 5 includes increases of \$6,717,000 of general fund money in fiscal year 2002 and of \$6,862,000 of general fund money in fiscal year 2003 and reductions of \$6,717,000 of state special revenue in fiscal year 2002 and of \$6,862,000 of state special revenue in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 124.

The health policy and services division is authorized to pursue up to \$1.5 million in federal special revenue each year of the biennium in item 5 to enhance or improve division services or programs to public schools. This additional federal special revenue may be expended on services by the division as long as those actions do not require or commit the state to additional general fund expenditures beyond the amount appropriated by the legislature to the division.

Item 5a must be spent on services to a select Montanans who have been exposed to a disaster. Funds in item 5a may not be expended for any other purpose.

Implementation of the resource-based relative value scale (RBRVS) provider rate system must continue to be phased in over the 2003 biennium. The department shall use funds in item 5b to raise its total to those currently provided for in item 5b code paid the lowest percentage of Medicare reimbursement

General Fund	Fiscal 2002			Total	Fiscal 2003			Total
	State Special Revenue	Federal Special Revenue	Proprietary		General Fund	State Special Revenue	Federal Special Revenue	

Item 7 includes a reduction of \$542,660 in fiscal year 2002 and \$544,550 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

The department shall make every effort to achieve an unqualified opinion in the financial compliance audit issued by the legislative audit division for the 2 years ending June 30, 2003. The legislature expects the department to take action to ensure that this achievement occurs, including exempting the fiscal bureau from vacancy savings requirements exempting the fiscal bureau from reductions in staffing, establishing clear and appropriate fiscal policies and practices and any other management actions that may reasonably be expected to result in the achievement of an unqualified audit opinion.

The developmental disability program is directed to use existing general fund appropriations within the developmental disabilities program budget to finance services, if possible. General fund money made available through refinancing efforts may be used to:

- (1) reduce the developmental disability program waiting list;
 - (2) improve wages paid by community providers to direct care workers;
 - (3) provide a provider rate increase to community services providers; and
 - (4) fund existing plans of care for individuals waiting for residential services.
- The developmental disabilities program will report to the legislative fiscal division semiannually in January and July:
- (1) the amount of general fund money that was made available through refinancing efforts;
 - (2) the amount, scope, and nature of services provided by funds made available through refinancing;
 - (3) the number of consumers, providers, and direct care worker staff benefiting from initiatives funded through refinancing efforts; and
 - (4) the amount of additional state special and federal funds obtained through refinancing efforts.

Item 8 includes a \$1,965,199 general fund decrease in fiscal year 2003 for the disability services division replaced by a like amount of employment security account state special revenue funds administered by the department of labor and industry.

Item 8c includes \$399,613 in general fund money and \$386,120 in federal funds to begin equalization of wages paid to direct care workers employed by developmental disability community providers with direct care worker wages paid to employees at Eastmont human services center and the Montana developmental center.

Fiscal 2002			Fiscal 2003		
General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
Proprietary			Proprietary		
Other	Total	Other	Other	Total	Other
Total			Total		

The disability services division shall complete a report on the impact that applying income criteria to determine eligibility for developmental disabilities program services and benefits would have on individuals on the waiting list for services and the budget for the developmental disabilities program. The report must be presented to the legislative finance committee by June 30, 2002. The report to the legislative finance committee should include by age group (0-3, 4-5, 6-18, 19-21, and over 21 years of age) and by residential setting (recipient home, group home, institution, etc.):

- (1) the number of nonmedicaid-eligible recipients and the value of services, by funding source, provided to individuals and families with income at or below 200% of the federal poverty level; and
- (2) the number of nonmedicaid-eligible recipients and the value of services, by funding source, provided to individuals and families with income at or below 150% of the federal poverty level.

The fiscal year 2003 funds in items 8, 8a, and 8b may not be expended until the report has been presented to the legislative finance committee.

Included in item 8b is general fund money of \$1,400,277 in fiscal year 2002 and \$1,400,224 in fiscal year 2003. This funding is one-time only. The combined population at the two institutions (Eschmont human services center and Montana developmental center) may not exceed 88 individuals at the end of the 2003 biennium. If the disability services division has a population of more than 88 individuals at the two institutions at the end of the 2003 biennium, the division shall certify that a community residential setting was not available for the individuals remaining in the two institutions.

Funds in item 9a may be used only to make one-time payments to nursing homes based on the number of Medicaid services provided. State special revenue in item 9a may be expended only after the office of budget and program planning has certified that the department has received \$2 million each year from counties participating in the intergovernmental program for nursing homes.

The department shall distribute funds in items 8c and 9c in a way that provides reasonable assurance that the funds are used solely for direct care wage and benefit increases. Not all providers or types of direct care workers must receive the same rate increase for the biennium. Funds appropriated in items 8c and 9c may be used only for direct care worker wage increases. Funds in items 8c and 9c may not be used to fund other programs. In the event that the department finds it necessary to institute program reductions, it is the intent of the legislature that funds in items 8c and 9c be the last items eliminated.

The senior and long-term care division is authorized to pursue up to \$2 million in federal special revenue in item 9d over the biennium to enhance or improve division services or programs. This additional federal special revenue may be expended by the division on services as long as those actions do not require or commit the state to additional general fund expenditures beyond the amount appropriated for the 2003 biennium by the legislature to the division in [this act].

Pursuant to 21-7-140, item 9e is exempt from spending reductions because of a projected general fund budget deficit.

The department shall post on the senior and long-term care division website the staffing levels provided in Montana nursing facilities.

Fiscal 2002			Fiscal 2003		
General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue

The department shall require that area agencies on aging provide a written assessment of the need for increased funding in their nutrition program prior to expending the additional Title III of the Older Americans Act of 1965 grant funds appropriated in [this act].

The appropriation in item 10 is contingent on the department developing a management plan to:

(1) ensure that the department staff tracking the census of residential treatment of children in Montana communicate in-state service availability to appropriate staff; and

(2) negotiate or issue requests for proposals in compliance with 52-2-306 and 52-2-307 for placement of children with in-state providers in lieu of placing the child in out-of-state treatment. The department shall submit the plan to the children, families, health, and human services interim committee and the legislative finance committee by July 1, 2001.

Item 10 is contingent on the department maintaining \$3,539,842 of federal block grant contracts to state-approved chemical dependency programs for treatment and rehabilitation each year of the 2003 biennium.

Item 10 includes \$559,560 in general fund money in fiscal year 2002 and \$719,507 in fiscal year 2003 that must be used to fund mental health services for persons eligible for the mental health services plan. At least \$490,000 of these general fund appropriations must be used for grants to one or more local children's mental health provider coalitions to prevent placement of emotionally disturbed children in out-of-home services.

Item 10 must be increased by \$1 million in general fund money and must be reduced by \$1 million in state special revenue in fiscal year 2003 unless Senate Bill No. 1, August 2002 Special Session, is passed and approved in a form that:

(1) maintains at least a \$1 million distribution to state-approved chemical dependency programs to provide treatment, rehabilitation, and prevention of chemical dependency pursuant to 52-2-208; and

(2) requires the department to distribute in the same proportion as provided in 52-2-206(3)(b) at least \$730,000 of the \$1 million in funds referenced in item 1 to the state-approved chemical dependency programs.

Funds in item 10a must be used to fund services at Montana state hospital and for staff and utilization review activities to reduce the use of institutional services. Any funds not spent for staff and utilization review activities must be used to fund community services, which will reduce the need for inpatient and institutional care. The funds may not be used for any other purpose.

Funds in item 10b must be used to fund mental health services for low-income children. Funds in item 10b may not be used for any other purpose or transferred to any other program.

Funds in item 10d must be used to contract with the Montana consensus council.

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Funds in item 10e must be used to pay one-time increases in reimbursement for services provided in frontier counties by county-funded mental health Medicaid service providers.						
<i>Item 10f includes \$25,000 in contracted services in fiscal year 2003 funded equally from state special revenue and federal special revenue.</i>						
Funds in item 10g must be used for:						
(1) activities related to training and educating law enforcement personnel, judicial personnel, and persons instrumental to the commitment process in recognizing serious mental illness and appropriate approaches to and treatment for persons who exhibit symptoms of mental illness; and						
(2) development of screening tools to help identify whether a person may be mentally ill.						
<i>Item 10j is contingent upon passage and approval of Senate Bill No. 26, August 2002 Special Session.</i>						
<i>Item 10k is contingent upon passage and approval of Senate Bill No. 28, August 2002 Special Session.</i>						
TOTAL SECTION B	267,968,769	38,903,811	77,333,538	0	0	385,206,118
			77,107,537	107,004,905	268,470,277	551,583,259
					433,844,886	1,059,372,066

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Proprietary	Other	Total	Total
C. NATURAL RESOURCES AND COMMERCE						
DEPARTMENT OF FISH, WILDLIFE, AND PARKS (5201)						
1. Administration and Finance Division (01)						
0 5683118 1199741 0 0 6882859 0 5715736 1196547 0 0 6912473						
a. Legislative Audit (Restricted Biennial)						
0 63008 10946 0 0 73974 0 0 0 0 0 0						
b. Legislative Contract Authority (Restricted OTO)						
0 0 75000 0 0 75000 0 0 75000 0 0 15000						
2. Field Services Division (02)						
0 6601552 724700 0 0 7326262 0 6551474 729488 0 0 7380562						
a. Public Wildlife Interface (Biennial)						
0 65000 0 0 0 65000 0 0 0 0 0 0						
b. Legislative Contract Authority (Restricted OTO)						
0 0 60000 0 0 60000 0 0 60000 0 0 60000						
c. SB 285 — Revise Conservation License Laws (OTO)						
0 0 0 0 0 0 0 802000 0 0 0 802000						
3. Fisheries Division (03)						
0 3314986 3785792 0 0 7101778 0 3338044 3699927 0 0 7137971						
a. Fishing Access Assistance (Restricted OTO)						
0 50000 0 0 0 50000 0 50000 0 0 50000						
b. Recreation Conflict Coordinator (OTO)						
0 15674 37039 0 0 52713 0 15674 37039 0 0 52713						
c. Legislative Contract Authority (Restricted OTO)						
0 0 1851019 0 0 1851019 0 0 1851019 0 0 1851019						
d. Echo Lake Fish Planting (OTO)						
0 71500 321500 0 0 30000 0 71500 321500 0 0 30000						
4. Law Enforcement Division (04)						

	Fiscal 2002					Fiscal 2003						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
0	5993.160	277.002	0	0	0	6260.162	0	6057.818	2801.60	0	0	6339.568
a. Alternative Livestock Environmental Review (Biennial OTO)												
0	96.000	0	0	0	0	96.000	0	0	0	0	0	0
b. Legislative Contract Authority (Restricted OTO)												
0	0	10.000	0	0	0	10.000	0	0	10.000	0	0	10.000
c. HB 419 — Create Natural Resources Enforcement Program in Attorney General's Office												
0	41.600	0	0	0	0	41.600	0	41.600	0	0	0	41.600
5. Wildlife Division (05)												
0	3641.942	343.152	0	0	0	3985.094	0	3682.843	3434.308	0	0	7117.151
a. Mountain Lion Research (Restricted OTO)												
0	38.992	116.978	0	0	0	155.970	0	38.992	116.978	0	0	155.970
b. Black Bear Research (OTO)												
0	14.830	44.490	0	0	0	59.320	0	14.830	44.490	0	0	59.320
c. Sage Grouse Monitoring (OTO)												
0	22.600	67.600	0	0	0	90.200	0	22.600	67.600	0	0	90.200
d. Legislative Contract Authority (Restricted OTO)												
0	0	533.798	0	0	0	533.798	0	0	533.798	0	0	533.798
6. Parks Division (06)												
2792.65	4618.965	244.914	0	0	0	5063.879	2593.65	4654.968	244.896	0	0	5063.879
a. Motorboat Site Maintenance (Restricted)												
0	11.000	40.000	0	0	0	51.000	0	11.000	40.000	0	0	51.000
b. Snowmobile Equipment (Biennial)												
0	298.000	0	0	0	0	298.000	0	0	0	0	0	0
c. Continue Chief Plenty Coups (Restricted Biennial OTO)												
0	214.155	0	0	0	0	214.155	0	0	0	0	0	0
d. Legislative Contract Authority (Restricted OTO)												
0	0	10.000	0	0	0	10.000	0	0	10.000	0	0	10.000

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
7. Conservation Education Division (08)						
2.562 1,699,295	499,461	0	0	2,562 1,711,770	499,472	0
a. Aquatic Education Family Fishing (Restricted)						
0 0	200,000	0	0	0 200,000	200,000	0
b. Shooting Range Grants (Biennial)						
0 120,000	0	0	0	0 120,000	0	0
c. Shooting Range Grants Enhancement (Biennial OTO)						
0 60,000	0	0	0	0 60,000	0	0
d. Legislative Contract Authority (Restricted OTO)						
0 0	35,000	0	0	0 35,000	35,000	0
8. Department Management (09)						
0 2,586,330	862,159	0	0	0 2,586,045	680,521	0
a. Office Maintenance and Small Equipment (Restricted OTO)						
0 25,000	0	0	0	0 25,000	25,000	0
b. Cadastrial Database (Restricted)						
0 9,000	0	0	0	0 9,000	9,000	0
c. Native Species Conservation (Restricted OTO)						
0 511,427	0	0	0	0 511,427	511,427	0
d. Hunting and Fishing License Research (Restricted OTO)						
0 15,000	0	0	0	0 15,000	15,000	0
e. Legislative Contract Authority (Restricted OTO)						
0 0	200,000	0	0	0 200,000	200,000	0
Total						
281,818 35,195,931	14,919,108	0	0	281,817 35,355,484	14,920,060	0
				277,497		

The appropriations for legislative contract authority are subject to all of the following provisions:

40-1668-5-1
60,164,086

General Fund	State Special Revenue	Fiscal 2002			Total	General Fund	State Special Revenue	Fiscal 2003			Total
		General Fund	Proprietary	Other				General Fund	Proprietary	Other	

- (1) I legislative contract authority applies only to federal funds.
- (2) I legislative contract authority expenditures must be reported on the state's accounting system, and the records must be separate from present law operations. In preparing the 2005 biennium budget for legislative consideration, the office of budget and program planning may not include the expenditures from this item in the present law base.
- (3) A report must be submitted by the department to the legislative fiscal division following the end of each fiscal year of the biennium. The report must include a list of projects with the related amount of expenditures and FTE for each project.
- The department is to report to the natural resources and commerce appropriations subcommittee on the projects funded with federal Sikes Act money and state matching money. The report is to include an analysis of the viability for continuance of the program and a list of projects funded with the money.
- If the department is required to adjust personal services expenditure costs between state and federal accounts, the approving authority shall adjust the state special revenue appropriation and the federal appropriation by like amounts. All transfers between fund types must be fully explained and justified on budget documents submitted to the office of budget and program planning.
- The department shall determine and quantify any efficiencies generated as a result of incorporating the Smith River diversion process into the automated license system and report its findings to the 2003 legislature.
- Item 1b legislative contract authority (I CA) is subject to all I CA provisions stated in the agency's language. I CA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued into the 2003 biennium. I CA applies only to federal funds.
- Item 2b I CA is subject to all I CA provisions stated in the agency's language. I CA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued into the 2003 biennium. I CA applies only to federal funds.
- Item 3 includes \$19,726 in state special revenue funds each fiscal year and \$50,178 in federal special revenue funds each fiscal year that are restricted to equipment purchases in the fisheries division and payouts of leave accruals and retirement in the fisheries division.
- Item 3c I CA is subject to all I CA provisions stated in the agency's language. I CA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued into the 2003 biennium. I CA applies only to federal funds.
- Item 4 includes a reduction in general fund money of \$18,339 in fiscal year 2002 and \$18,339 in fiscal year 2003. This reduction is the equivalent of a 2.5% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.
- Item 4a contains a biennial appropriation of \$56,000 for game farm environmental impact statements.

	Fiscal 2002				Fiscal 2003			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue

Item 4b I CA is subject to all I CA provisions stated in the agency's language. I CA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued in the 2003 biennium. I CA applies only to federal funds.

Item 4c is contingent upon passage and approval of House Bill No. 419.

Item 5a is a restricted and one-time-only appropriation for mountain lion research.

Item 5d I CA is subject to all I CA provisions stated in the agency's language. I CA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued in the 2003 biennium. I CA applies only to federal funds.

Item 6 includes a reduction of \$224 in fiscal year 2002 and \$225 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 6 includes a reduction of \$2.817 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the agency. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 6 includes a reduction in fiscal year 2003 of \$1,509 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The agency may allocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 6a is a restricted appropriation for motorboat site maintenance.

Item 6b includes a biennial appropriation of \$298,000 for snowmobile equipment.

The department may expend from the appropriation in item 6c no more than one-half of the unspent 2001 biennium appropriation made for this purpose. It is the intent of the legislature for the department to use any funds reverted from the 2001 biennium for the purpose of carrying out various maintenance and construction projects described in the management plan for Chief Plenty Coups state park. Further, the department may apply up to \$214,155 of lodging facility use tax funds appropriated to the department for state park maintenance in addition to the \$214,155 appropriated in [this act] for purposes of completing the maintenance and construction projects at Chief Plenty Coups state park. The department shall develop a tracking and reporting method for amounts spent from the lodging facility use tax for this purpose. The department shall report to the legislative finance committee at its June 2002 (or nearest) meeting on factors such as projects completed, dollars spent, and a timeline for completion of the remainder of the projects.

Item 6d I CA is subject to all I CA provisions stated in the agency's language. I CA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued in the 2003 biennium. I CA applies only to federal funds.

Item 7a is a restricted appropriation for aquatic education program family fishing.

	Fiscal 2002					Fiscal 2003						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
d. Flithead Lake Biological Monitoring Station	0	0	100,000	0	0	100,000	0	0	0	0	0	0
e. SB 506 — Alternative Energy Revolving Loan Account	0	60,000	0	0	0	60,000	0	60,000	0	0	0	60,000
3. Enforcement Division (30)	537,155	179,013	373,595	0	0	1,089,663	535,799	180,035	374,997	0	0	1,080,831
4. Remediation Division (40)	0	323,135	7,164,215	0	0	10,376,950	0	32,443,683	7,173,433	0	0	10,418,416
a. Enterprise Database Development (OTO)	0	300,000	0	0	0	300,000	0	35,000	0	0	0	35,000
b. Cleanup of Rockwood Solvent (Biennial)	0	0	550,450	0	0	550,450	0	0	51,320.8	0	0	51,320.8
c. Contracted Services — Legal Support (Restricted Biennial OTO)	0	150,000	0	0	0	150,000	0	0	0	0	0	0
d. Leaking Underground Storage Tank Trust — Truck Replacement (OTO)	0	3,000	27,000	0	0	30,000	0	0	0	0	0	0
e. Orphan Share Reimbursement (Restricted Biennial OTO)	0	3,500,000	0	0	0	3,500,000	0	0	0	0	0	0
f. Aboveground Storage Tank Survey (Restricted OTO)	0	25,000	0	0	0	25,000	0	35,000	0	0	0	35,000
g. Petroleum Tank Release Compensation Board Fund Liability Study (Restricted OTO)	0	75,000	0	0	0	75,000	0	0	0	0	0	0
h. Database Development (Restricted OTO)	0	18,306	34,294	0	0	52,600	0	18,306	34,294	0	0	52,600
i. Leaking Underground Storage Tank Trust Contracted Services (Restricted OTO)	0	30,000	270,000	0	0	300,000	0	30,000	270,000	0	0	300,000
5. Permitting and Compliance Division (50)	1,317,914	8,343,151	37,165,538	0	0	133,167,033	1,185,131	8,343,631	37,101,871	0	0	133,239,533

	General Fund	State Special Revenue	Fiscal 2002			Total	General Fund	State Special Revenue	Fiscal 2003			Other	Total
			Revenue	Proprietary	Other				Revenue	Proprietary	Other		
a. Junk Vehicle Database Conversion (Restricted OTO)	0	60,000	0	0	0	60,000	0	18,000	0	0	0	0	18,000
b. Asbestos Compliance (Restricted OTO)	28,300	56,700	0	0	0	85,000	28,300	56,700	0	0	0	0	85,000
c. Hazardous Waste Contract Service (Restricted Biennial OTO)	0	150,000	0	0	0	150,000	0	0	0	0	0	0	0
d. Bond Forfeitures (Restricted Biennial)	0	30,000,000	0	0	0	30,000,000	0	0	0	0	0	0	0
e. Montana Environmental Policy Act Projects (Restricted Biennial)	0	1,000,000	0	0	0	1,000,000	0	0	0	0	0	0	0
f. Hard Rock Federal Funds (Restricted Biennial OTO)	0	0	300,000	0	0	300,000	0	0	0	0	0	0	0
g. SB 449 — Environmental Rehabilitation and Response (Restricted Biennial)	0	12,500	0	0	0	12,500	0	0	0	0	0	0	0
h. Major Facility Siting Act Projects (Restricted Biennial OTO)	0	30,000	0	0	0	30,000	0	0	0	0	0	0	0
i. Abandoned Vehicle Operating Costs (Restricted OTO)	0	172,230	0	0	0	172,230	0	172,230	0	0	0	0	172,230
j. Public Water Supply Equipment (Restricted OTO)	0	15,000	0	0	0	15,000	0	15,000	0	0	0	0	15,000
k. Hard Rock Equipment (Restricted OTO)	0	8,990	0	0	0	8,990	0	0	0	0	0	0	0
l. Solid Waste Database Conversion (OTO)	50,000	50,000	0	0	0	100,000	15,000	15,000	0	0	0	0	30,000
m. Zortman Industry Long-Term Water Treatment Trust (Restricted OTO)	0	0	0	0	0	0	0	540,000	0	0	0	0	540,000
n. SB 484 — Hard Rock Mining Reclamation, Operation, and Maintenance (Restricted Biennial)	0	4,000,000	0	0	0	4,000,000	0	0	0	0	0	0	0

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
0. SB 167 — Exemption in Subdivision Grants to Counties (Restricted)						
0	204,000	0	0	0	204,000	0
Total	4,303,046	63,440,606	24,781,632	0	83,856,334	31,063,008

Item 2, 4, and 5 include a total of \$1,778,855 for the 2003 biennium for the Montana natural resources information system. Quarterly payments must be made upon receipt of the bills from the state library, up to the total amount appropriated.

Item 2 includes a reduction in fiscal year 2003 of \$6,146 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.

Item 2 includes a reduction of \$132,783 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 66.67% reduction in the fiscal year 2003 budget for equipment expenses. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 2 includes a reduction of \$59,144 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the agency. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 2d is contingent upon receipt of environmental protection agency 104b(3) ecosystem protection grant funds for the purposes of water quality monitoring and assessment activities. Upon receipt, the department shall contract with the Flathead Lake biological monitoring station for up to \$100,000 of these funds in support of department priority total maximum daily load monitoring and assessment projects.

Item 2e is contingent upon passage and approval of Senate Bill No. 506. The funds appropriated in item 2d are from the alternative energy revolving loan account created in Senate Bill No. 506. The funding must be spent for administration of the loan program subject to restriction provided in Senate Bill No. 506.

Item 5 includes a reduction in general fund money of \$7,328 in fiscal year 2002 and \$7,328 in fiscal year 2003. This reduction is the equivalent of an 8% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 5 includes a reduction of \$21,608 in fiscal year 2002 and \$21,608 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 5g is contingent upon passage and approval of Senate Bill No. 449.

SS 203 493

SS 203 493

	Fiscal 2002					Fiscal 2003						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Item 5m includes a restricted, one-time-only appropriation of up to \$540,000 from state special revenue funds in fiscal year 2003 that have been transferred from the resource indemnity trust fund. The appropriation is contingent upon the state treasurer's certification to the office of budget and program planning and to the legislative finance committee that the trust balance is in excess of \$100 million. Upon meeting the contingency in fiscal year 2003, the office of budget and program planning is authorized to transfer up to \$540,000 in cash from the resource indemnity trust fund to a state special revenue fund to be used to purchase federal debt obligation securities that mature in June 2017 to partially fund the long-term water treatment trust for the former Zortman and Mandak communities.												
Item 5n is contingent upon passage and approval of Senate Bill No. 494.												
Item 5o is contingent upon passage and approval of Senate Bill No. 167.												
The department is authorized to decrease federal special revenue in the pollution control and the drinking water revolving fund loan programs and increase state special revenue by a like amount within the special administration account.												
DEPARTMENT OF LIVESTOCK (560.3)												
1. Centralized Services Program (01)												
14.748	1,028,523	115,009	0	0	1,153,680		47,436	1,084,776	87,157	0	0	1,171,933
							26,575					1,198,508
a. Legislative Audit (Restricted/Biennial)												
2.734	25,153	4,768	0	0	34,055		0	0	0	0	0	0
b. Laboratory Information System Equipment Installation (OTO)												
0	36,300	10,000	0	0	106,300		0	0	0	0	0	0
c. Board of Horse Racing												
0	237,513	0	0	0	237,513		0	241,877	0	0	0	241,877
d. Legislative Audit — Board of Horse Racing (Restricted/Biennial)												
0	450	0	0	0	450		0	0	0	0	0	0
2. Diagnostic Laboratory Program (03)												
190.933	1,134,465	11,115	0	0	1,346,513		150,644	1,212,404	17,371	0	0	1,440,724
							234,360					1,675,084

	Fiscal 2002					Fiscal 2003						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a. Bison Federal Cooperative Agreement (Restricted OTO)	0	0	651,310	0	0	651,310	0	0	651,310	0	0	651,310
b. Disease Outbreak (Restricted OTO)	0	177,823	0	0	0	177,823	0	177,823	0	0	0	177,823
c. Greater Yellowstone Interagency Brucellosis Committee (Restricted OTO)	0	0	137,600	0	0	137,600	0	0	143,211	0	0	143,211
4. Milk and Egg Program (05)	0	343,143	34,788	0	0	366,901	0	346,775	34,782	0	0	371,557
5. Inspection and Control Program (06)	0	2,508,699	39,244	0	0	2,547,943	0	2,554,838	36,381	0	0	2,591,219
a. Brand Recount (Restricted OTO)	0	45,654	0	0	0	45,654	0	0	0	0	0	0
6. Predator Control Program (08)	0	435,235	0	0	0	435,235	0	442,718	0	0	0	442,718
7. Meat and Poultry Inspection Program (10)	385,716	1,786	387,415	0	0	774,917	400,683	1,786	402,441	0	0	904,880
8. Milk Control Bureau (37)	0	186,643	0	0	0	186,643	0	186,601	0	0	0	186,601
Total	604,121	6,962,912	1,382,279	0	0	8,949,312	602,048	6,969,978	1,356,533	0	0	8,944,569
							602,118					8,957,771

The department shall record separately all personal services, operating expenses, equipment, and capital expenditures related to bison control for all programs in which any resources are expended for that purpose on the state accounting, budgeting, and human resources system in a manner so that those expenditures may be readily derived and shall create a summary report. The department shall provide an annual report on the program to the legislative fiscal analyst and the office of budget and program planning of all expenditures related to bison control.

Item 1 includes a reduction of \$4,398 in fiscal year 2002 and \$4,413 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

602,118

8,957,579

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
<i>Item 1 includes a reduction in fiscal year 2003 of \$641 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.</i>						
<i>Items 1c and 1d are contingent upon passage and approval of Senate Bill No. 445.</i>						
<i>Item 2 includes a reduction of \$6,089 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the agency. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.</i>						
DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (5706)						
1. Centralized Services (21)						
1.042.276	49,505	105,000	0	2,072,345	1,853,621	4,332,859
						10,500
						1,054,880
						1,649,389
a. Legislative Audit (Restricted Biennial)						
80.373	0	0	0	80,373	0	0
b. Missoula Office Relining (Restricted OTO)						
0	0	35,750	0	25,750	0	0
c. Debt Service to Reimburse Montana Science Institute (Restricted)						
0	0	0	0	38,000	0	38,000
2. Oil and Gas Conservation Division (22)						
0	1,132,006	0	0	1,143,052	0	1,143,052
a. Operating Adjustments (OTO)						
0	84,343	0	0	84,343	0	84,343
3. Conservation and Resource Development Division (23)						
1.032.846	1,497,854	161,651	0	3,432,353	1,441,621	6,533,480
						161,651
						1,554,943
						2,684,372
						9,469,485
						5,455,506
3. Irrigation Assistance (OTO)						
140,000	0	0	0	140,000	0	140,000
b. Dry Prairie Rural Water Project (OTO)						
0	39,720	0	0	39,720	0	39,720

	Fiscal 2002					Fiscal 2003						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
c. North Central Montana Regional Water Authority (OTO)	125,000	0	0	0	0	125,000	125,000	0	0	0	0	125,000
d. Eastern Plains Resource Conservation and Development (OTO)	0	25,000	0	0	0	25,000	0	25,000	0	0	0	25,000
e. Gallatin Resource Conservation and Development (OTO)	15,000	0	0	0	0	15,000	15,000	0	0	0	0	15,000
f. Sheridan County Conservation District (OTO)	0	0	0	0	0	0	35,000	0	0	0	0	35,000
g. Coal Tax Allocation to Conservation Districts (Biennial)	0	100,000	0	0	0	100,000	0	0	0	0	0	0
h. Grass Conservation Commission (Biennial)	45,000	51,806	0	0	0	96,806	0	0	0	0	0	0
i. Regional Water System Coordinator (OTO)	0	53,054	0	0	0	53,054	0	53,054	0	0	0	53,054
4. Water Resources Division (24)	5,930,069	1,016,253	160,035	0	0	7,106,357	5,991,483	1,019,380	160,733	0	0	7,171,596
a. State Water Project Rehabilitation (Restricted Biennial OTO)	0	3,500,000	0	0	0	3,500,000	0	0	0	0	0	0
b. Dam Safety Improvement (Restricted OTO)	0	0	81,845	0	0	81,845	0	0	81,845	0	0	83,177
c. Water Well Irrigation (Restricted)	0	15,000	0	0	0	15,000	0	15,000	0	0	0	15,000
d. Water Right Permit Verification (OTO)	0	170,000	0	0	0	170,000	0	145,000	0	0	0	145,000
e. Flood Damage Reduction (Restricted OTO)	0	0	169,748	0	0	169,748	0	0	169,748	0	0	169,748
f. Broadwater Hydropower Facility (OTO)	0	63,000	0	0	0	63,000	0	33,000	0	0	0	33,000

	Fiscal 2002					Fiscal 2003						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
g. HB 357 — Clark Fork River Task Force (OTO)	0	0	0	0	0	0	0	130,000	0	0	0	130,000
5. Reserved Water Rights Compact Commission (25)	724,261	0	0	0	0	724,261	725,624	0	0	0	0	726,624
a. Equipment Replacement (OTO)	6,000	0	0	0	0	6,000	10,500	0	0	0	0	10,500
6. Forestry and Trust Lands (35)	6,056,464	10,921,550	1,055,209	0	0	18,033,223	6,093,328	11,038,040	1,054,587	0	0	18,191,955
a. Fire Protection Assessment Software Revivite (Restricted OTO)	29,200	40,800	0	0	0	70,000	0	0	0	0	0	0
b. Federal Fire Reimbursement (Restricted)	0	0	229,684	0	0	229,684	0	0	229,684	0	0	229,684
c. Phase II/Slash Programming (OTO)	23,600	0	0	0	0	23,600	0	0	0	0	0	0
d. Remote Weather Station (OTO)	8,710	4,290	0	0	0	13,000	0	0	0	0	0	0
e. Forest Health Monitoring Program (Restricted OTO)	0	0	78,000	0	0	78,000	0	0	78,000	0	0	78,000
f. Forest Rehabilitation (OTO)	0	177,500	0	0	0	177,500	0	140,500	0	0	0	140,500
g. Replacement Equipment (OTO)	0	15,000	0	0	0	15,000	0	17,000	0	0	0	17,000
h. Habitat Conservation Plan (Restricted Biennial OTO)	0	0	200,000	0	0	200,000	0	0	0	0	0	0
i. Homeowner Defensible Space Audits (Biennial OTO)	0	0	200,000	0	0	200,000	0	0	0	0	0	0
j. Private Forest Landowner Assistance (Restricted Biennial OTO)	0	0	350,000	0	0	350,000	0	0	0	0	0	0

	Fiscal 2002			Fiscal 2003			
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue	Proprietary
k. SB 31 — Revise State Trust Lands	0	5,000	0	0	5,000	0	0
l. SB 354 — Full Compensation for School Trust for Natural Areas	0	0	0	0	35,000	0	0
m. SB 495 — Purchase of Public School Fund Mineral Production Rights (Restricted Biennial FTO)	750,000	0	0	0	0	0	0
Total	91,558,702	19,436,647	2,316,922	0	113,912,471	2,051,638	0

All remaining proceeds in excess of \$100 million in the resource indemnity trust fund up to \$100,000 must be appropriated in fiscal year 2003 to the department based upon a split of two-thirds for conservation district grant projects and one-third for irrigation grants. The appropriation is contingent upon the governor's certification that the trust balance is in excess of \$100 million. ~~Item 1 includes a reduction in general fund money of \$100,000 in cash from the resource indemnity trust fund to a state special revenue fund to be used for these purposes. Further, the cash for these purposes this purpose cannot be transferred until \$500,000. \$2 million has been transferred for a fund which in item 3, \$300,000 has been transferred for the purpose of weed eradication. \$500,000 has been transferred for the purpose of purchasing securities for water treatment at the former Zortman and Mandusky mines, and \$120,000 has been transferred to a fund for the Clark Fork River study.~~

Item 1 includes a reduction in fiscal year 2003 of \$2,516,922 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.

Item 1 includes a reduction of \$250,940 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 66.67% reduction in the fiscal year 2003 budget for equipment expenses. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 1 includes a reduction of \$151,934 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the agency. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 1 includes a reduction in general fund money of \$33,468 in fiscal year 2002 and \$33,468 in fiscal year 2003. This reduction is the equivalent of a 10% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennial operating plans.

General Fund	State Special Revenue	Fiscal 2002			Total	General Fund	State Special Revenue	Fiscal 2003			Total
		General Fund	Proprietary	Other				General Fund	Proprietary	Other	

Item 1 includes a reduction of \$107,169 in fiscal year 2002 and \$107,543 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 2 includes a total of \$98,310 for the 2003 biennium for the Montana natural resources information system. Quarterly payments must be made upon receipt of the bills from the state library up to the total amount appropriated.

The department is authorized to decrease state special revenue in the underground injection control program and to increase federal special revenue by a like amount when the amount of federal EPA funds available for the program becomes known. Any federal special revenue funds are to be spent before state special revenue funds.

The department is appropriated up to \$600,000 for the 2003 biennium from the state special revenue account established in 85-1-604 for the purchase of prior liens on property held as loan security as provided in 85-1-618.

During the 2003 biennium, up to \$100,000 of excess loan loss reserve money in the water pollution control state revolving fund is appropriated to make grants to aid in the feasibility of projects as authorized in 75-5-1113(5)(b).

During the 2003 biennium, up to \$100,000 of excess loan loss reserve money in the drinking water state revolving fund is appropriated to make grants to aid in the feasibility of projects as authorized in 75-5-224(5)(b).

The department is authorized to decrease federal special revenue in the pollution control and the drinking water revolving fund loan programs and to increase state special revenue money by a like amount within the special administration account.

During the 2003 biennium, up to \$1 million of funds currently in or to be deposited in the Broadwater replacement and renewal account is appropriated to the department for repairing or replacing equipment at the Broadwater hydropower facility.

During the 2003 biennium, up to \$70,000 of interest earned on the Broadwater water users account is appropriated to the department for the purpose of repair, improvement, or rehabilitation of the Broadwater Missouri diversion project.

During the 2003 biennium, up to \$500,000 of funds currently in or to be deposited in the state project hydropower earnings account is appropriated for the purpose of repairing, improving, or rehabilitating department state water projects.

The department shall report back to the 2003 legislature to provide an update on the progress of the flood damage reduction project.

The department is appropriated up to \$20,000 for the 2003 biennium from the bond proceeds provided for in 75-1-3408 for hazard reduction bonds during the 2003 biennium.

General Fund	State Special Revenue	Fiscal 2002			Total	General Fund	State Special Revenue	Fiscal 2003			Total
		Revenue	Proprietary	Other				Revenue	Proprietary	Other	

Item 3 includes a fund switch in fiscal year 2003 of \$1 million from the general fund to the state special revenue fund, which is the first \$1 million in proceeds in excess of \$100 million in the resource indemnity trust fund, contingent upon passage and approval of House Bill No. 9, August 2003 Special Session.

Item 3 includes a reduction of \$50,000 in state special revenue, which is contingent upon passage and approval of House Bill No. 10, August 2003 Special Session.

It is the intent of the legislature that the agency not use general fund money in items 3 and 6 for the purchase of new or replacement automobiles unless an existing vehicle becomes inoperable to the point at which replacement is warranted.

Item 4 is contingent upon passage and approval of House Bill No. 397. Item 4 is an appropriation from state special revenue funds in fiscal year 2003 that have been transferred from the resource indemnity trust fund. The appropriation is contingent upon the governor's certification that the trust balance is in excess of \$100 million. Upon meeting if the contingency is met in fiscal year 2003, the office of budget and program planning is authorized to transfer the \$120,000 in cash from the resource indemnity trust fund to a state special revenue fund to be used for this purpose. *Further, the cash for this purpose cannot be transferred until \$990,000 of 1 million has been transferred for a fund switch in item 3. \$300,000 has been transferred for the purpose of weed eradication, and \$540,000 has been transferred for the purpose of purchasing securities for water treatment at the former Zortman and Mandusky mines.*

State special revenue appropriations in item 6 may be used for firefighting costs. It is the intent of the legislature to replace any state special revenue expenditures with a general fund supplemental appropriation in the next legislative session.

Item 6a includes funds received from nonstate entities for the use of department personnel and equipment to assist them in managing emergency incidents, such as fire suppression activities. Only funds up to \$100,000 received as reimbursement of personnel expenses credited against the department's operational budget and up to \$250,000 of funds received as payment under equipment use agreements are considered for reimbursement funds. All other funds received must be deposited in the general fund. Funds reimbursed for the use of department equipment must be expended for the repair, maintenance and replacement of equipment that supports the state-county cooperative fire program. The department shall report five reimbursement expenditures on state accounting records, and the records must be separate from present law operations.

Item 6b is contingent upon passage and approval of Senate Bill No. 31.

Item 6c is contingent upon passage and approval of Senate Bill No. 354.

Item 6m is limited to the amount borrowed from the coal tax permanent fund and may be used only for the purpose of purchasing school fund mineral production rights from the trust and legacy account.

DEPARTMENT OF AGRICULTURE (6201)

- 1. Central Management Division (15)

	Fiscal 2002					Fiscal 2003						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
165498	446,473	63,813	48,893	0	719,676	0	431,837	68,655	80,973	0	4,307,444	7,19,676
3. Legislative Audit (Restricted/Biennial)												
38,055	0	0	0	0	38,055	0	0	0	0	0	0	0
b. Electronic Transactions Strategic Planning Consulting Services (OTO)												
0	79,000	0	39,000	0	118,000	0	30,414	0	4,000	0	34,414	0
2. Agricultural Sciences Division (30)												
95,115	4,554,855	431,963	0	0	5,073,003	97,137	4,537,373	43,337	0	0	5,057,735	0
a. Federal Special Grants (OTO)												
0	0	100,000	0	0	100,000	0	0	100,000	0	0	100,000	0
b. Organic Certification Program (Restricted OTO)												
41,557	0	0	0	0	41,557	41,680	0	0	0	0	41,680	0
c. Federal Special Grants (Biennial)												
0	0	2,000,000	0	0	2,000,000	0	0	0	0	0	0	0
d. Weed Control Program (Restricted)												
101,341	0	0	0	0	101,341	101,337	0	0	0	0	101,337	0
e. SB 326 — Weed Control Program (Restricted OTO)												
0	0	0	0	0	0	0	500,000	0	0	0	500,000	0
3. Agricultural Development Division (50)												
353,755	3,134,793	45,710	267,855	0	3,855,120	355,535	3,147,491	45,710	268,174	0	3,519,010	3,676,010
a. Rail Transportation Technical Assistance (Restricted/Biennial OTO)												
0	50,000	0	0	0	50,000	0	0	0	0	0	0	0
Total												
791,384	8,315,131	2,535,455	355,151	0	12,048,761	455,059	8,547,014	637,743	323,147	0	10,349,571	9,979,546

General Fund	State Special Revenue	Fiscal 2002			Total	General Fund	State Special Revenue	Fiscal 2003			Other	Total
		General Fund	Proprietary	Proprietary				General Fund	Proprietary	Proprietary		

It is the intent of the legislature that the department use sources other than the general fund to fund operations of the organic certification program in the 2005 biennium.

Item 1 includes a reduction in general fund money of \$4,827 in fiscal year 2002 and \$4,827 in fiscal year 2003. This reduction is the equivalent of a 1.9% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 1 includes a reduction of \$2,715 in fiscal year 2002 and \$2,725 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 1 includes a reduction in fiscal year 2003 of \$3,208 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.

Item 1 includes a reduction of \$9,063 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 66.6% reduction in the fiscal year 2003 budget for equipment expenses. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 1 includes a reduction of \$7,848 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the agency. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 2 contains \$100,000 each year of the 2003 biennium from the department of transportation highway state special revenue fund for use in the weed control program. This appropriation is contingent upon passage and approval of Senate Bill No. 326.

The funds in item 2d are to be granted to governmental entities through an application process to mitigate the impact of noxious weeds on private and state lands, except department of fish, wildlife, and parks lands, as a result of the activities of the department of fish, wildlife, and parks.

Item 2e contains a \$500,000, \$300,000 appropriation in fiscal year 2003 from state special revenue funds that are to be transferred from the resource indemnity trust fund. The \$500,000, \$300,000 appropriation is contingent upon the governor's certification that the trust balance is in excess of \$100 million. Upon meeting if the contingency is met in fiscal year 2003, the office of budget and program planning is authorized to transfer the \$500,000, \$300,000 in cash from the resource indemnity trust fund to a state special revenue fund to be used for this purpose. Item 2e is contingent upon passage and approval of Senate Bill No. 326.

Item 3 includes a reduction of \$193,000 in state special revenue, which is contingent upon passage and approval of House Bill No. 10, August 2002 Special Session.

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
9. Building Codes Bureau (65)						
0	0	0	0	0	0	0
10. Housing Division (74)						
0	0	53480.613	0	0	56302.41	0
11. Legislative Audit (Restricted Biennial)						
0	0	11913	0	0	0	0
12. Montana State Lottery (77)						
0	0	0	0	0	0	0
13. Board of Horse Racing (78)						
0	0	0	0	0	0	0
14. Consumer Affairs (79)						
0	0	0	0	0	0	0
15. Director's Office Management Services Division (81)						
16. Department Server Hardware Replacement (OTO)						
14.889	1.701	13.826	0	0	0	0
17. Federal Building Rent						
0	0	0	0	0	51.838	0
18. Federal Building Move (OTO)						
0	0	13.000	0	0	6.000	0
Total	1.755.586	3.000.512	65,743.147	0	0	70,804.647
				1,743,041	3,130,485	68,631.76
				2,720,706	7,946,893	73,964.47

The reduction in funding for items 1, 2, 3, 8, 9, 11, 12, and 13 are contingent upon passage and approval of Senate Bill No. 445. If Senate Bill No. 445 is not passed and approved, the department is appropriated \$746,925 in general fund money, \$11,708,874 in state special revenue, and \$9,007,902 in proprietary authority in fiscal year 2003, and \$746,771 in general fund money, \$11,404,944 in state special revenue, and \$8,504,930 in proprietary authority in fiscal year 2003. The allocation among divisions and the realignment of expenses associated with the reallocation will be outlined in the Legislative Fiscal Division's 2003 Biennial Legislative Fiscal Report if Senate Bill No. 445 is not passed and approved.

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Proprietary	Other	Total	Other
CRIME CONTROL DIVISION (4107)						
D. CORRECTIONS AND PUBLIC SAFETY						
1. Justice System Support Service (01)						
678313	0	595213	0	0	1274145	691869
a. Regional Juvenile Detention (Biennial)						669676
1114542	0	0	0	0	1114542	1114542
b. Federal Pass-Through Grants (Biennial)						0
0	0	955213	0	0	955213	0
c. Computer Crime Unit (Biennial)						0
0	0	149670	0	0	149670	0
Total						
1593614	0	10270155	0	0	12063970	4606834

All remaining federal pass-through grant appropriations, including reversals, for the 2001 biennium are authorized to continue and are appropriated in fiscal year 2002 and fiscal year 2003.

Item 1 includes a reduction in general fund money of \$2,352 in fiscal year 2002 and \$2,352 in fiscal year 2003. This reduction is the equivalent of an 11% reduction in fiscal year 2000 base budget travel expenses.

Item 1 includes a reduction in fiscal year 2003 of \$2,571 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The division may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.

Item 1 includes a reduction of \$1,575 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 66.87% reduction in the fiscal year 2003 budget for equipment expenses. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 1 includes a reduction of \$18,067 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the division.

The board of crime control shall update juvenile crime statistics from the child and adult protective services system on the board's website annually.

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
DEPARTMENT OF JUSTICE (4110)						
1. Legal Services Division (01)						
2,672,647	3,709,5	149,680	0	3,149,622	0	3,149,622
a. Major Litigation (Restricted Biennial)						
200,000	0	0	0	200,000	0	200,000
b. Crime Victim Benefits (Biennial)						
579,388	0	225,000	0	804,388	0	804,388
c. HB 419 — Natural Resources Enforcement Program						
0	41,600	0	0	41,600	0	41,600
d. Amber Alert System (Restricted/OTC)						
0	0	0	0	0	0	0
2. Gambling Control Division (07)						
380,000	2,268,675	0	611,103	3,349,778	0	3,349,778
3. Motor Vehicle Division (12)						
8,191,505	437,194	0	0	8,628,699	0	8,628,699
a. HB 577 — Motor Vehicle IT Account (Biennial)						
0	960,000	0	0	960,000	0	960,000
b. SB 334 — Driver Rehabilitation and Improvement Program						
0	33,146	0	0	33,146	0	33,146
4. Highway Patrol Division (13)						
1,038,775	17,050,446	364,454	0	18,443,675	0	18,443,675
a. SB 358 — Access to Traffic Accident Reports						
0	16,574	0	0	16,574	0	16,574

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
DEPARTMENT OF JUSTICE (4110)						
1. Legal Services Division (01)						
2,672,647	3,709,5	149,680	0	3,149,622	0	3,149,622
a. Major Litigation (Restricted Biennial)						
200,000	0	0	0	200,000	0	200,000
b. Crime Victim Benefits (Biennial)						
579,388	0	225,000	0	804,388	0	804,388
c. HB 419 — Natural Resources Enforcement Program						
0	41,600	0	0	41,600	0	41,600
d. Amber Alert System (Restricted/OTC)						
0	0	0	0	0	0	0
2. Gambling Control Division (07)						
380,000	2,268,675	0	611,103	3,349,778	0	3,349,778
3. Motor Vehicle Division (12)						
8,191,505	437,194	0	0	8,628,699	0	8,628,699
a. HB 577 — Motor Vehicle IT Account (Biennial)						
0	960,000	0	0	960,000	0	960,000
b. SB 334 — Driver Rehabilitation and Improvement Program						
0	33,146	0	0	33,146	0	33,146
4. Highway Patrol Division (13)						
1,038,775	17,050,446	364,454	0	18,443,675	0	18,443,675
a. SB 358 — Access to Traffic Accident Reports						
0	16,574	0	0	16,574	0	16,574

General Fund	State Special Revenue	Fiscal 2002			Total	Other	Fiscal 2003			Total
		General Fund	Proprietary	Other			General Fund	Proprietary	Other	

- (1) Legislative contract authority applies only to federal and private funds.
- (2) Legislative contract authority expenditures must be reported on the state accounting records and kept separate from present law operations. In preparing the 2003 biennium executive budget, the office of budget and program planning may not include expenditures from this item in the present law phase.
- (3) A report must be submitted by the department to the legislative fiscal analyst following the end of each fiscal year, listing legislative contract authority grants received and the amount of expenditures and FTE for each grant.

The legislature recognizes that the costs associated with litigation in which the legal services division is required to provide representation to the state of Montana may exceed the appropriation provided. In that event, the department will need to request a supplemental appropriation from the 2003 legislature to adequately represent the state.

Item 1 includes a reduction in fiscal year 2003 of \$40,000 in general fund money and representation reductions ordered by the governor pursuant to 17-7-140.

Item 1 is contingent upon passage and approval of House Bill No. 419.

The appropriation for the gambling control division contains funding for the automated accounting and reporting system (AARS). The general fund appropriation of \$30,000 in each year of the 2003 biennium reflects continuation of a 5-year general fund commitment for this project through the 2003 biennium. It is the intent of the legislature that an annual general fund commitment of \$235,250 be continued in each year of the 2007 biennium. If the long-range building program committee bill to use interap funding for AARS implementation is passed by the 2001 legislature, a portion of these appropriations may be used to make debt service payments.

The department is appropriated up to \$2,800,000 for the biennium from state special revenue funds for the purchase of system interface boards to be used for the implementation of the AARS.

Item 2 includes a reduction in fiscal year 2003 of \$38,000 in general fund money and representation reductions ordered by the governor pursuant to 17-7-140.

Item 2 includes a reduction of \$567,203 in general fund money in fiscal year 2002 and \$559,866 in fiscal year 2003 and an increase in proprietary funds of \$611,103 in fiscal year 2002 and \$613,766 in fiscal year 2003. These reductions and increases are contingent upon passage and approval of House Bill No. 389.

Item 3 includes a reduction in general fund money of \$31,502 in fiscal year 2002 and \$31,502 in fiscal year 2003. This reduction is the equivalent of a 10% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 3 includes \$5,738 of general fund money in fiscal year 2002 that is contingent upon passage and approval of House Bill No. 124.

General Fund	State Special Revenue	Fiscal 2002			Total	General Fund	State Special Revenue	Fiscal 2003			Total
		Revenue	Proprietary	Other				Revenue	Proprietary	Other	

Fiscal year 2003 state special revenue in item 3 includes \$6,636,799 of the fund balance from revenue sources not restricted to certain purposes by the Montana constitution.

Item 3 includes a reduction in fiscal year 2003 of \$220,483 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.

Item 3a is contingent upon passage and approval of House Bill No. 577 and is for:

- (1) debt service payments or repayment of any loan incurred for the creation of a new information technology system for motor vehicles; or
- (2) payment of costs directly incurred in the creation and support of the new motor vehicle information technology system.

Item 4 includes a reduction in fiscal year 2003 of \$32,546 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.

Item 4a is contingent upon passage and approval of Senate Bill No. 358.

Item 4b is contingent upon passage and approval of House Bill No. 256.

There is appropriated from the highway patrol retirement clearing account for payments to the Montana highway patrol pension fund the amount required for this transfer, not to exceed \$1,500,000 for each fiscal year.

Item 5 includes a reduction in fiscal year 2003 of \$200,197 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.

It is the intent of the legislature that the agency not use general fund money in item 5 for the purchase of new or replacement automobiles unless an existing vehicle becomes inoperable to the point at which replacement is warranted.

Item 6 includes a reduction in fiscal year 2003 of \$60,000 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.

Item 9 includes a reduction of \$127,892 in fiscal year 2002 and \$128,336 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennial operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 9 includes a reduction in fiscal year 2003 of \$31,972 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.

General Fund	State Special Revenue	Fiscal 2002			Total	Other	Fiscal 2003			Total
		Federal Special Revenue	Proprietary	General Fund			State Special Revenue	Federal Special Revenue	Proprietary	
Item 9 includes a reduction of \$40,505 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 68.67% reduction in the fiscal year 2003 budget for equipment expenses in all divisions of the department except the forensic sciences division. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.										

Item 9 includes a reduction of \$151,846 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the agency. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 10 includes a reduction in fiscal year 2003 of \$40,000 in general fund money and preserves the reductions ordered by the governor pursuant to 17-140.

If Senate Bill No. 328 is not passed and approved, the extradition and transportation of prisoners program will remain in the department of justice as program 30 and there is appropriated \$177,724 of general fund money in fiscal year 2003 and \$178,936 of general fund money in fiscal year 2003. In addition, if Senate Bill No. 328 is not passed and approved, the amendment to the reference copy of [this act] striking the language accompanying the extradition and transportation of prisoners program in the department of justice is void.

Item 10 includes \$12,000 in general fund money for fiscal year 2003 for lab accreditation. The use of the funds for accreditation is contingent on passage of a federal requirement that a lab needs to be accredited to receive federal funds.

Item 10a is contingent upon passage and approval of House Bill No. 359.

PUBLIC SERVICE REGULATION (4201)

1. Public Service Regulation Program (01)										
0	3,336,135	13,667	0	0	3,339,802	0	3,505,912	13,666	0	3,519,578
a. Legislative Audit (Restricted Biennial)										
0	17,027	0	0	0	17,027	0	0	0	0	0
b. Consultants (Biennial)										
0	100,000	0	0	0	100,000	0	0	0	0	0
c. Universal Access Program (Biennial)										
0	683,454	0	0	0	683,454	0	0	0	0	0
Total										
0	3,336,135	13,667	0	0	3,339,802	0	3,505,912	13,666	0	3,519,578

DEPARTMENT OF CORRECTIONS (6401)

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
1. Administration and Support Services (01)						
14,797,935	4,321	0	67,057	0	65,191	0
						14,443,193
						14,443,193
a. Legislative Audit (Restricted/Biennial)						
91,947	0	0	0	0	0	0
b. Establishment of Criteria and Treatment of Hepatitis C						
103,610	0	0	0	0	0	0
						557,909
2. Community Corrections (02)						
32,631,208	57,3690	428,967	0	0	0	0
						48,6987
3. Service Facilities (03)						
46,134,474	1,152,275	533,362	0	0	0	0
						1,152,275
4. Montana Correctional Enterprises (04)						
1,014,403	0	0	516,891	0	518,341	0
						1,535,075
Total						
96,763,478	1,730,450	962,349	583,886	0	1,136,532	0
						100,414,841
						100,414,841

Because the percentage of American Indians in our state's correctional system ranges from 17% in the men's prison to up to 40% in the women's prison, it is important that the department maintain open communications and liaisons with the Montana tribes. Therefore, the department shall designate one of its current full-time equivalent employees in the administration and support services division to have included as part of the employee's job responsibilities the duty to serve as a liaison with the Montana tribes and the department regarding American Indian inmate issues and concerns in all correctional facilities, including contracted bed facilities.

The department is encouraged to use telemedicine technology to the fullest extent possible to effect savings within the department.

The legislature encourages the department to use the authority that it possesses under current statute to allow early discharge of offenders subject to the jurisdiction of the department for the purpose of relieving the projected cost overruns caused by high prison populations.

Item 1 includes a reduction of \$401,402 in fiscal year 2002 and \$402,801 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennial operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Proprietary	Other	Total	Other

Item 1 includes a reduction in fiscal year 2003 of \$111,748 in general fund money and represents the equivalent of 2.8% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.

Item 1 includes a reduction of \$218,689 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 66.67% reduction in the fiscal year 2003 budget for equipment expenses. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 2 includes a reduction in general fund money of \$107,057 in fiscal year 2003. This reduction is the equivalent of a 24% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennial operating plans.

It is the intent of the legislature that the agency not use general fund money in items 2 and 3 for the purchase of new or replacement automobiles unless an existing vehicle becomes inoperable to the point at which replacement is warranted.

If Senate Bill No. 489 is not passed and approved, general fund money in item 2 is reduced by \$667,155 in fiscal year 2002 and by \$2,165,633 in fiscal year 2003.

If Senate Bill No. 489 is not passed and approved, general fund money in item 3 is increased by \$4 million in fiscal year 2003.

The department shall negotiate with the department of public health and human services and the Montana food bank for any costs incurred by the Montana correctional enterprises in operating the food bank program.

DEPARTMENT OF LABOR AND INDUSTRY (6602)

1. Job Service Division (01)

691.955	6,701,113	24,358,444	6,832	0	31,153,744	693,789	6,736,451	24,358,119	6,832	0	31,997,947
						17,561	5,516,847	2,548,172			57,972,362
a. Legislative Audit (Restricted Biennial)											
988	68,073	6,643	0	0	65,673	0	0	0	0	0	0
b. Research and Analysis Bureau Additional FTE (OTO)											
0	68,503	0	0	0	82,903	0	0	83,194	0	0	63,194
c. Displaced Homemaker Program											
2,356,005	0	0	0	0	2,356,005	4,986,605	0	0	0	0	2,356,605
						28,423	2,10,764				2,597,237

	Fiscal 2002						Fiscal 2003					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
24,895	28,191	3,964,714	0	0	0	3,017,800	24,895	38,300	2,565,472	0	0	3,019,567
a. Legislative Audit (Restricted Biennial)	0	0	862	0	0	862	0	0	0	0	0	0
8. Building Codes Bureau (08)	0	3278,315	0	0	0	3278,315	0	3255,263	0	0	0	3255,263
a. Legislative Audit (Restricted Biennial)	0	6,427	0	0	0	6,427	0	0	0	0	0	0
b. Building Codes Vehicle Replacement (OTO)	0	45,118	0	0	0	45,118	0	45,118	0	0	0	45,118
9. Workers' Compensation Court (09)	0	422,967	0	0	0	422,967	0	428,938	0	0	0	428,938
a. Legislative Audit (Restricted Biennial)	0	1,034	0	0	0	1,034	0	0	0	0	0	0
Total	2,013,002	2,321,689	34,335,134	59,372	0	60,224,998	2,017,144	23,310,732	34,475,240	59,551	0	60,355,267
							1,127,996	70,111,795	59,089,240			60,575,079
It is the intent of the legislature that the rates charged for centralized services functions be agreed to by the United States department of labor federal cost negotiator. It is anticipated that the assessment will be approximately 9% and 10% of a program's actual personal services costs incurred in fiscal year 2002 and in fiscal year 2003.												

It is the intent of the legislature that the rates charged for centralized services functions be agreed to by the United States department of labor federal cost negotiator. It is anticipated that the assessment will be approximately 9% and 10% of a program's actual personal services costs incurred in fiscal year 2002 and fiscal year 2003.

Item 1 includes a \$672,602 reduction in general fund money for fiscal year 2003 for the job service division to be replaced by employment security account state special revenue funds in the amount of \$691,795 administered by the department. The increased amount includes the House Bill No. 13, Chapter 253, Laws of 2002, allocation. Item 1 also includes a \$4,111,000 reduction in the employment security account state special revenue funds to be replaced by "Need Aid" (a part of the Employment Security Administrative Financing Act of 1964) federal special revenue funds.

Item 1 includes a reduction in fiscal year 2003 of \$3,480 in general fund money and represents the equivalent of 0.5% of office supplies expenditure as funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.

General Fund	State Special Revenue	Fiscal 2002			Total	General Fund	State Special Revenue	Fiscal 2003			Other	Total
		General Fund	Proprietary	Other				General Fund	Proprietary	Other		

Item 1 includes a \$217,182 reduction in general fund money for fiscal year 2003 for the displaced homemaker program to be replaced by employment security account state special revenue funds in the amount of \$219,165 administered by the department. The increased amount includes the House Bill No. 13, Chapter 663, Laws of 2001, allocation.

Item 1d is contingent upon passage and approval of Senate Bill No. 322.

Item 3 includes a reduction in general fund money of \$923 in fiscal year 2002 and \$923 in fiscal year 2003. This reduction is the equivalent of a 1% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 3 includes a reduction of \$7,635 in fiscal year 2002 and \$7,661 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 4 includes a reduction of \$10,876 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the agency. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

The professional and occupational licensing staff and operating budget designated as proprietary will transfer into this department with professional and occupational licensing (05).

Items 5, 6a, 8, 8a, and 8b are contingent upon passage and approval of Senate Bill No. 445.

It is the intent of the legislature that the internal service rates charged for program 05, program 06, and program 08 will be approximately 5% and 10% of a program's actual personnel services costs incurred in fiscal year 2002 and fiscal year 2003.

The department shall report to the 2003 legislature on options for a fleet management plan to stabilize vehicle replacement costs within the building codes division.

Item 8 contains state special revenue authority of \$70,389 in fiscal year 2002 and \$62,889 in fiscal year 2003, including funding for 1.5 full-time equivalent employees each year, that is contingent upon passage and approval of House Bill No. 437.

Item 8 contains state special revenue authority of \$100,925 in fiscal year 2002 and \$151,950 in fiscal year 2003, including funding for 1.5 full-time equivalent employees in fiscal year 2002 and 3 full-time equivalent employees in fiscal year 2003, that is contingent upon passage and approval of Senate Bill No. 342.

	Fiscal 2002					Fiscal 2003						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
605.69	21,897	1,766,785	0	0	0	2,394,161	808,463	21,897	1,374,739	0	0	1,857,037
a. Legislative Audit (Restricted Biennial)	630	0	630	0	0	1,340	0	0	0	0	0	0
b. Disaster and Emergency Services Server Replacement (OTO)	0	0	0	0	0	0	12,679	0	4,651	0	0	17,330
6. Veterans Affairs Program (31)	689,897	161,613	0	0	0	851,410	685,463	161,614	0	0	0	847,082
a. Legislative Audit (Restricted Biennial)	837	0	0	0	0	837	0	0	0	0	0	0
b. Veterans Affairs Copier Replacement (OTO)	4,000	0	0	0	0	4,000	0	0	0	0	0	0
Total	4,366,105	307,610	9,215,463	0	0	13,884,078	4,138,602	406,011	8,652,179	0	0	13,396,799
							5,000,976	1,479,741				15,890,246

The terrorism weapons of mass destruction program and the associated 1 FTE are terminated when federal funding for the program is terminated.

The general fund appropriation in item 2b may be used only for matching funds for Montana residents.

Item 2b includes a \$1,043,349 reduction in general fund money in fiscal year 2003 for the youth challenge program to be replaced by employment security agency state special revenue funds in the amount of \$1,123,240, which amount may be used by the department of labor and industry. The requested amount includes the House Bill No. 13 Chapter 553 Laws of 2001 allocation.

Item 4 includes a reduction in general fund money of \$14,018 in fiscal year 2002 and \$14,018 in fiscal year 2003. This reduction is the equivalent of a 13% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennial operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 4 includes a reduction of \$20,312 in fiscal year 2002 and \$20,311 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennial operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

	Fiscal 2002				Fiscal 2003			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue
Item 4 includes a reduction in the fiscal year 2003 of \$3.735 in general fund money and represents the equivalent of 0.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.								
Item 4 includes a reduction of \$13,389 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 0.86% reduction in the fiscal year 2003 budget for equipment expenses. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.								
Item 4 includes a reduction of \$30,210 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the agency. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.								
Item 5 is contingent upon passage and approval of Senate Bill No. 289.								

TOTAL SECTION D								
138,193,330	51,415,165	59,233,353	1,278,666	0	3,401,211.104	119,085,136	48,660,715	1,319,869
							48,660,715	0
							67,000,619	2,571,937.376

	General Fund	Fiscal 2002				Other	Total	General Fund	State Special Revenue	Fiscal 2003			Total
		State Special Revenue	Federal Special Revenue	Proprietary	Federal Special Revenue					Proprietary	Other		
974,897		0	0	0	0	0	974,897	974,897	0	0	0	0	974,897
f. Secondary Vocational Education (Biennial)													
715,000		0	0	0	0	0	715,000	715,000	0	0	0	0	715,000
g. Adult Basic Education (Biennial)													
275,000		0	0	0	0	0	275,000	275,000	0	0	0	0	275,000
h. Gifted and Talented (Biennial)													
150,000		0	0	0	0	0	150,000	150,000	0	0	0	0	150,000
i. School Food (Biennial)													
648,653		0	0	0	0	0	648,653	648,653	0	0	0	0	648,653
j. School District Audits (Biennial)													
145,035		0	0	0	0	0	145,035	145,035	0	0	0	0	145,035
k. Traffic Safety Distribution													
750,000		0	0	0	0	0	750,000	0	750,000	0	0	0	750,000
l. Reduced Class Size (Biennial)													
0		0	7,605,780	0	0	0	7,605,780	0	0	9,493,533	0	0	9,493,533
m. Advanced Placement Incentive (Biennial)													
0		0	194,900	0	0	0	194,900	0	0	236,600	0	0	236,600
n. Comprehensive School Reform (Biennial)													
0		0	963,061	0	0	0	963,061	0	0	563,061	0	0	563,061
o. Emergency School Renovation (Biennial)													
0		0	543,913	0	0	0	543,913	0	0	543,913	0	0	543,913
p. SB 390 — Transfer to School Flexibility Account (Restricted Biennial OTO)													
0		0	0	0	0	0	0	5,000,000	0	0	0	0	5,000,000
								2,200,000					2,200,000
q. School Flexibility Account (Restricted Biennial OTO)													
0		0	0	0	0	0	0	0	5,063,000	0	0	0	5,063,000
									4,500,000				4,500,000

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Total						
171,838	175,176	0	0	0	0	344,854
	170,807	174,035	0	0	0	344,842
	365.10					345,227
<i>Item 1 includes a reduction in fiscal year 2003 of \$610 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The board of public education may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.</i>						
<i>Item 1 includes a reduction of \$1,705 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the board of public education. The board of public education may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.</i>						
SCHOOL FOR THE DEAF AND BLIND (5113)						
1. Administration Program (01)						
303,064	0	0	0	0	0	303,064
	300,387	0	0	0	0	300,387
a. Legislative Audit (Restricted/ Biennial)						
38,137	0	0	0	0	0	38,137
	0	0	0	0	0	0
2. General Services Program (02)						
314,060	0	0	0	0	0	314,060
	315,497	0	0	0	0	315,497
3. Student Services (03)						
318,708	0	25,000	0	0	0	343,708
	322,187	0	25,000	0	0	347,187
4. Education (04)						
1,891,051	235,055	638,598	0	0	0	2,764,704
	1,661,657	638,598	0	0	0	2,300,255
	2,386,709	638,598	0	0	0	3,025,307
a. MTAP Transfer to General Fund (Restricted)						
0	0	0	0	0	0	0
	66,996	0	0	0	0	66,996
Total						
3,454,090	335,065	88,898	0	0	0	3,878,053
	3,454,739	88,898	0	0	0	3,543,637
	3,461,776	88,898	0	0	0	3,550,674

	Fiscal 2002			Fiscal 2003			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Total
Item 1 includes a reduction in general fund money of \$1.132 in fiscal year 2002 and \$1.132 in fiscal year 2003. This reduction is the equivalent of a 16% reduction in fiscal year 2000 base budget travel expenses.							
Item 1 includes a reduction in fiscal year 2003 of \$307 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002.							
Item 1 includes a reduction of \$3.025 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the Montana Arts Council.							
MONTANA STATE LIBRARY COMMISSION (5115)							
1. State Library Operations (01)							
1,790,071	157,110	1,300,654	0	0	3,168,475	1,431,378	147,510
						2,419,339	17,674
a. Legislative Audit (Restricted Biennial)							
17,037	0	0	0	0	17,037	0	0
b. Periodical/Electronic Database (OTO)							
82,500	117,500	0	0	0	200,000	82,500	117,500
2. Natural Resources Information System (OT)							
84,838	470,346	30,000	0	0	555,186	88,980	445,341
a. Stable Natural Resources Information System Funding (OTO)							
4,513	140,487	0	0	0	145,000	4,513	115,487
b. Legislative Contract Authority (Biennial OTO)							
0	25,000	475,000	0	0	500,000	0	0
Total							
1,978,946	931,045	1,705,654	0	0	4,615,638	1,407,371	905,038
						2,636,527	344,947
Item 1 includes biennial appropriations of \$251.138 in general fund money and \$889,102 in federal funds for grants to local libraries.							
						780,694	0
							3,354,003
							5,577,987

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total

Item 1 includes a reduction in general fund money of \$4,561 in fiscal year 2002 and \$4,561 in fiscal year 2003. This reduction is the equivalent of a 16% reduction in fiscal year 2000 base budget travel expenses. The commission may reallocate this reduction in funding between programs when developing 2003 biennium operating plans.

Item 1 includes a reduction in fiscal year 2003 of \$5,868 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2003. The commission may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.

Item 1 includes a reduction of \$60,096 in state special revenue, which is contingent upon passage and approval of House Bill No. 10 August 2002 Special Session.

Item 1 includes a reduction of \$17,071 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the commission. The commission may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 2b includes \$500,000 for legislative contract authority as a biennial appropriation, subject to the following provisions:

(1) Legislative contract authority applies only to state special revenue fund received from the Montana university system, federal funds and private funds.

(2) Legislative contract authority expenditures must be reported on the state accounting system. The records must be separate from present law operations. In preparing the 2005 biennium budget for legislative consideration, the office of budget and program planning may not include the expenditures from this item in the present law base.

(3) A report must be submitted by the state library commission to the legislative fiscal division following the end of each fiscal year of the biennium. The report must include a listing of projects with the related amount of expenditures for each project.

(4) Legislative contract authority may be transferred between state and federal special revenue, depending upon the contract received by the Montana state library.

MONTANA HISTORICAL SOCIETY (5117)

1. Administration Program (01)						
796.224	217,473	55,756	70,000	0	1,140,493	800,543
						774,399
2. Legislative Audit (Restricted Biennial)						
26.757	0	0	0	0	26,757	0
						0
						1,140,395
						1,140,395

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
b. Lewis and Clark Bicentennial (OTO)						
31.847	0	0	0	31.847	0	0
2. Library Program (02)						
665835	2,606	0	53,447	55,810	2,606	53,447
a. Equipment to Read and Print Microfilm (Biennial OTO)						
6,000	0	0	0	6,000	0	0
3. Museum Program (03)						
282,182	351,533	0	7,616	359,149	351,533	7,616
4. Publications (04)						
53,652	0	0	710,135	53,652	0	710,135
5. Historical Sites Preservation (06)						
47,381	0	805,461	0	44,451	0	805,461
6. Lewis and Clark Bicentennial (08)						
a. Grant Funding (Restricted)						
0	100,000	0	0	100,000	0	0
Total	1,829,879	571,814	867,277	4,111,170	4,803,594	558,075

Item 1 includes a reduction in general fund money of \$5,278 in fiscal year 2002 and \$5,278 in fiscal year 2003. This is a reduction in travel funding. The agency may reallocate this reduction in funding among programs when developing 2003 biennial operating plans.

Item 1 includes a reduction of \$9,453 in fiscal year 2002 and \$9,453 in fiscal year 2003 of general fund money. The society may reallocate this reduction in funding among programs when developing 2003 biennial operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 1 includes a reduction in fiscal year 2003 of \$2,421 in general fund money and represents the equivalent of 2.5% of office supplies expenditure as funded with general fund money in fiscal year 2002. The society may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.

4,065,521
4,060,170

	General Fund	State Special Revenue	Fiscal 2002			Other	Total	General Fund	State Special Revenue	Fiscal 2003			Other	Total
			Revenue	Proprietary	Property					Revenue	Proprietary	Property		
a. Legislative Audit (Restricted Biennial)														
33930	0	0	0	0	0	0	33930	0	0	0	0	0	0	0
5. OCHE — Talent Search (06)														
92846	0	3393405	0	0	3056251	0	3056251	983949	0	3135072	0	0	0	3248491
								59,346						3213413
6. OCHE — C.D. Perkins Administration (08)														
78748	0	7655331	0	0	7844579	0	7844579	73745	0	6135161	0	0	0	6204107
7. OCHE — Appropriation Distribution Transfers (09)														
99801741	1233248	0	0	0	112033969	0	112033969	100342988	12400460	0	0	0	0	112713448
								9177477						103473277
a. Legislative Audit (Restricted Biennial)														
228103	0	0	0	0	228103	0	228103	0	0	0	0	0	0	0
b. Increase State Support \$100 per Resident Student per Year														
2100000	0	0	0	0	2100000	0	2100000	5000000	0	0	0	0	0	5000000
c. Agricultural Experiment Station (Restricted)														
9830460	0	0	0	0	9830460	0	9830460	9866810	0	0	0	0	0	9866810
								9744364						9744364
d. Institute for Biobased Products and Food Science														
200000	0	0	0	0	200000	0	200000	200000	0	0	0	0	0	200000
e. Extension Service (Restricted)														
4087026	0	0	0	0	4087026	0	4087026	4102993	0	0	0	0	0	4102993
								5836366						5836366
f. Montana Beef Network (Restricted Biennial IOTC)														
90000	0	0	0	0	90000	0	90000	90000	0	0	0	0	0	90000
g. Forestry and Conservation Experiment Station (Restricted)														
997428	0	0	0	0	997428	0	997428	900694	0	0	0	0	0	900694
								987776						987776

	Fiscal 2002					Fiscal 2003						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
h. Bureau of Mines and Geology (Restricted)	1,533,607	600,000	0	0	0	2,133,607	1,538,631	666,000	0	0	0	2,204,631
							2,407,575					2,225,875
i. Fire Services Training School (Restricted)	497,530	0	0	0	0	497,530	497,530	0	0	0	0	497,530
							405,735					405,735
j. Flathead Lake Biological Station — University of Montana Missoula (Restricted Biennial OT)	100,000	0	0	0	0	100,000	100,000	0	0	0	0	100,000
							96,500					96,500
8. Tribal College Assistance Program (11) (Biennial)	100,000	0	0	0	0	100,000	0	0	0	0	0	0
	96,500					96,500						
9. OCHE — Guaranteed Student Loan (12)	0	0	34,668,909	0	0	34,668,909	0	0	37,373,404	0	0	37,373,404
a. Legislative Audit (Restricted Biennial)	0	0	4,379	0	0	4,379	0	0	4,379	0	0	4,379
10. OCHE — Board of Regents (13)	43,631	0	0	0	0	43,631	43,631	0	0	0	0	43,631
Total												
158,386,449	13,830,348	45,895,759	0	0	0	158,059,596	158,386,449	13,066,460	47,095,890	0	0	158,386,456
187,711,883						187,649,705						187,711,883
Items 1 through 3 and 5 through 7b are a single biennial lump-sum appropriation.												

Items 1 through 3 and 5 through 7b are a single biennial lump-sum appropriation.

Total audit costs of the office of the commissioner of higher education are estimated to be \$35,514.

Item 1 includes a reduction in general fund monies of \$11,255 in fiscal year 2002 and \$11,255 in fiscal year 2003. This reduction is the equivalent of a 1.7% reduction in fiscal year 2000 base budget travel expenses. The agency may reallocate this reduction in funding among programs when developing 2003 biennial operating plans.

	Fiscal 2002				Fiscal 2003			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue

Item 1 includes a reduction of \$99,292 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 appropriation for the program.

Item 1 includes a reduction in fiscal year 2003 of \$83,930 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.

Item 2 includes a reduction in fiscal year 2003 of \$144,413 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.

Total Summit costs are estimated to be \$25,000 each year for the community colleges. The general fund appropriation for the community colleges provides 53% of the total Summit costs. The remaining 47% of these costs must be paid from funds other than those appropriated in item 4. Summit costs for each year may not exceed \$8,000 each for Dawson and Miles community colleges and \$9,000 for Flathead Valley community college.

The general fund appropriation in item 4 is calculated to fund education in the community colleges for an estimated 20,30 resident FTE students in fiscal year 2002 and 20,40 resident FTE students in fiscal year 2003. If total resident FTE student enrollment in the community colleges is greater than the estimated number for the biennium, the community colleges shall serve the additional students without a state general fund contribution. If actual resident FTE student enrollment is less than the estimated number for the biennium, the commissioner of higher education shall revert \$2.792 in general fund money to the state for each estimated FTE student who did not enroll.

Item 4 includes a reduction of \$58,796 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 appropriation for the program.

Item 4 includes a reduction in fiscal year 2003 of \$212,631 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.

Total audit costs are estimated to be \$64,000 for the community colleges for the biennium. The general fund appropriation for each community college provides 53% of the total audit costs in fiscal year 2002. The remaining 47% of these costs must be paid from funds other than those appropriated in item 4a. Audit costs for the biennium may not exceed \$20,000 each for Dawson and Miles community colleges and \$24,000 for Flathead Valley community college.

Item 5 includes a reduction in fiscal year 2003 of \$4,003 in general fund money and represents the equivalent of 0.5% of office supplies expenditure funded with general fund money in fiscal year 2002.

Item 7 includes a reduction of \$779,826 in fiscal year 2002 and \$782,537 in fiscal year 2003 of general fund money. The board of regents may reallocate this reduction in funding among university system units as defined in 17-7-102(13) when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

The decision of the legislature to deny funds for initiatives or budget request proposed by the governor and the board of regents for the 2003 biennium does not imply an intent to prohibit the board of regents from implementing those initiatives unless specifically stated otherwise in [this act].

General Fund	State Special Revenue	Fiscal 2002			Total	General Fund	State Special Revenue	Fiscal 2003			Other	Total
		Federal Special Revenue	Proprietary	Other				Federal Special Revenue	Proprietary	Other		

The general fund and mills are appropriated in item 7. Fiscal year 2002 and 2003 resident FTE students in fiscal year 2002 and 2003 resident FTE students in fiscal year 2003. If actual resident student enrollment is greater than the estimated number for the biennium, the university system shall serve the additional students without a state general fund contribution. If actual resident student enrollment is less than the estimated number for the biennium, the commissioner of higher education shall revert \$1.914 in general fund money to the state for each estimated FTE student who did not enroll.

Revenue appropriated to the Montana university system units and colleges of technology includes:

- (1) state special revenue from interest earnings of \$1,913,500 each year of the 2003 biennium;
- (2) tuition revenue of \$110,420,878 in fiscal year 2002 and \$109,775,333 in fiscal year 2003; and
- (3) other revenue of \$1,013,738 each year of the 2003 biennium.

These amounts are appropriated for current unrestricted operating expenses as a biennial lump sum appropriation and are in addition to the funds shown in item 7.

Item 7 includes \$428,660 in each year of the biennium that must be transferred to the energy conservation program account and used to retire the general obligation bonds sold to fund energy improvements through the state energy conservation program. The costs of this transfer in each year of the biennium are: university of Montana-Missoula, \$201,100; Montana Tech of the University of Montana, \$28,000; Montana State University-Northern, \$97,000; Montana State University-Billings, \$91,800; and Western Montana College of the University of Montana, \$10,760.

Item 7 includes a total of \$44,253 of general fund money for the 2003 biennium for the Montana natural resources information system (NRIS). The Montana university system shall pay an additional \$44,253 for the 2003 biennium in current funds in support of NRIS. Quarterly payments must be made upon receipt of the bills from the state library up to the total amount appropriated.

Item 7 includes increases of \$194,088 of general fund money in fiscal year 2002 and of \$194,088 of general fund money in fiscal year 2003 and reduction of \$194,088 of state special revenue in fiscal year 2002 and of \$194,088 of state special revenue in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 124.

Item 7 includes a reduction of \$3.4 million in fiscal year 2003 of general fund money. Although the legislature acknowledges the constitutional power of the board of regents to manage and control the Montana university system, it is the intent of the legislature that state support of the university system be reduced and that replacement funding, if desired, be from nonstate sources.

Item 7 includes a reduction in fiscal year 2003 of \$149,456 in general fund money and represents the equivalent of 2.5% of state-funded office supplies expenditures in fiscal year 2002.

General Fund	State Special Revenue	Fiscal 2002			Total	Other	Fiscal 2003			Total
		General Fund	Proprietary	Proprietary			General Fund	State Special Revenue	Federal Special Revenue	

Item 7 includes a reduction of \$1,054,130 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 appropriation for the unit.

Item 7 includes a reduction in fiscal year 2003 of \$4,078,966 in general fund money and represents the reductions ordered by the governor pursuant to 17-1-140.

Total audit costs are estimated to be \$681,092 for the university system other than the office of the commissioner of higher education. Each unit shall pay a percentage of these costs from funds other than those appropriated in item 13.

Item 7b is intended by the legislature to be used to increase state support for resident student FTE at the university unit each year of the 2003 biennium.

University system unit is defined in 17-1-102(13). For all university system units, except the office of the commissioner of higher education, all funds (other than plant funds appropriated in House Bills No. 5 and 14, relating to long-range building and current unrestricted operating funds) are appropriated contingent on approval of the comprehensive program budget by the board of regents by October 1 of each year. For all university system 4-year units and colleges of technology, all funds other than funds appropriated in House Bills No. 5 and 14 for long-range building programs, are appropriated as a lump sum for the biennium contingent upon approval of the comprehensive program budget by the board of regents by October 1 of each year. The board of regents shall allocate the appropriations to the individual units according to board policy. The budget must contain detailed revenue and expenditure and an updated fund balance of current funds, loan funds, endowment funds, and plant funds. After the board of regents approves operating budgets, transfers between units may be made only with the approval of the board of regents. Transfers and related justifications must be submitted to the office of budget and program planning and to the legislative fiscal analyst.

All university system units, except the office of the commissioner of higher education, shall account for expenditures consistently within programs and funds across all units and shall use the standards of accounting and reporting as described by the national college and university business officers as a minimum for achieving consistency.

The Montana university system, except the office of the commissioner of higher education and the community colleges, shall allow the office of budget and program planning and the legislative fiscal division banner access to the entire university system's banner information system, including data warehouses, except:

- (1) the ability to change data;
- (2) portions of the banner information system that are the property of third parties (such as alumni associations or foundations); and
- (3) information pertaining to individual students or individual employees that is protected by Article II, sections 9 and 10, of the Montana constitution, 20-25-515, or the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g.

Subsections (1) through (3) in no way limit the power of the legislative fiscal analyst or the budget director to receive and examine copies of any state government information, including confidential records, in accordance with 5-12-303 and 17-1-132.

General Fund	State Special Revenue	Fiscal 2002			Total	Other	Fiscal 2003			Total
		General Fund	Proprietary	Proprietary Revenue			General Fund	State Special Revenue	Proprietary Revenue	

All financial data recorded in the various funds in banner must agree with the financial data as recorded on the statewide accounting budgeting and human resources system (SABHRS). Including:

- (1) all statutory and restricted appropriations must be clearly segregated on SABHRS; and
- (2) the budgeted personal services for current unrestricted operating fund on banner must tie to the operating plan for expenditure of funds appropriated in this act and other bills as approved by the board of regents.

The Montana university system shall provide the electronic data required to upload human resource data for the current unrestricted operating funds into the MBEARS system. The salary and benefit data provided must reflect approved board of regents operating budgets.

Revenue appropriated to the agricultural experiment station includes:

- (1) state special revenue from interest earnings and other revenue of \$134,239 in fiscal year 2002 and \$134,705 in fiscal year 2003;
- (2) federal revenue of \$2,022,369 in fiscal year 2002 and \$2,030,499 in fiscal year 2003; and
- (3) proprietary revenue from sales of \$937,627 in fiscal year 2002 and \$942,135 in fiscal year 2003. These amounts are appropriated for current unrestricted operating expenses and are in addition to the funds shown in item 7c.

Item 7c includes a reduction in fiscal year 2003 of \$17,648 in general fund money and represents the equivalent of 2.5% of state-funded office supplies expenditures in fiscal year 2002.

Item 7c includes a reduction of \$124,482 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 68.67% reduction in the state portion of fiscal year 2002 equipment expenditures.

Item 7c includes a reduction of \$100,668 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 appropriation for the unit.

Item 7c includes a reduction in fiscal year 2003 of \$979,816 in general fund money and represents the reductions ordered by the governor pursuant to 17-1140.

The general fund money in item 7d is appropriated with the condition that, prior to the expenditure of the general fund money, the Montana agricultural experiment station collect \$140,000 of private, nonpublic money each year of the 2003 biennium for the purpose of supporting the institute for bio-based products and food science.

Revenue appropriated to the extension service includes:

	Fiscal 2002				Fiscal 2003			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue
(1) state special revenue from interest earnings of \$46,892 in fiscal year 2002 and \$47,070 in fiscal year 2003; and								
(2) federal revenue of \$2,268,928 in fiscal year 2002 and \$2,278,065 in fiscal year 2003. These amounts are appropriated for current unrestricted operating expenses and are in addition to the funds shown in item 1e.								
Item 1e includes a reduction in fiscal year 2003 of \$3,883 in general fund money and represents the equivalent of 2.5% of state-funded office supplies expenditures in fiscal year 2002.								
Item 1e includes a reduction of \$41,930 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 appropriation for the unit.								
Item 1e includes a reduction in fiscal year 2003 of \$161,854 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.								
General fund money of \$90,000 each year of the 2003 biennium in item 7f is a biennial one-time-only appropriation for one staff person and for expenses for the Montana beef network within the extension service.								
Interest revenue of \$4,923 in each year of the 2003 biennium is appropriated to the forestry and conservation experiment station for current unrestricted operating expenses. This amount is in addition to that shown in item 1g.								
Item 1g includes a reduction in fiscal year 2003 of \$644 in general fund money and represents the equivalent of 2.6% of state-funded office supplies expenditures in fiscal year 2002.								
Item 1g includes a reduction of \$9,448 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 appropriation for the unit.								
Item 1g includes a reduction in fiscal year 2003 of \$33,496 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.								
Proprietary revenue of \$27,310 each year of the 2003 biennium is appropriated to the bureau of mines and geology for current unrestricted operating expenses. This amount is in addition to that shown in item 7h.								
Item 7h includes a reduction in fiscal year 2003 of \$3,401 in general fund and represents the equivalent of 2.5% of state-funded office supplies expenditures in fiscal year 2002.								
Item 7h includes a reduction of \$374 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 0.66% reduction in the state portion of fiscal year 2002 equipment expenditures.								

Fiscal 2002						Fiscal 2003					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Item 7a includes a reduction of \$16,386 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 appropriation for the bureau.											
Item 7b includes a reduction in fiscal year 2003 of \$57,083 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.											
Interest revenue of \$4,097 each year of the 2003 biennium is appropriated to the fire services training school for current unrestricted operating expenses. This amount is in addition to that shown in item 7i.											
Item 7c includes a reduction in fiscal year 2003 of \$413 in general fund money and represents the equivalent of 2.5% of state-funded office supplies expenditures in fiscal year 2002.											
Item 7d includes a reduction of \$6,073 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 appropriation for the unit.											
Item 7e includes a reduction in fiscal year 2003 of \$18,632 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.											
Item 7f includes a reduction in fiscal year 2003 of \$3,500 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.											
Item 8 includes a reduction in the 2003 biennium of \$3,500 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.											
TOTAL SECTION E											
640-190-350	15817377	153337663	920333	0	810755645	652310748	21101367	157650909	921915	0	831564539
640-176-332					310712743	637370434	70569771				876977449
TOTAL STATE FUNDING											
1196-306-350	409945793	13458781	933055	933055	298100678	1152613924	373711500	1387382333	13408745	933055	2307548562
1196-331-033		1287477904			2977746390	1107504771	321433909	1593670054	15727743		2391407344

Section 17. Rates. Internal service fund type fees and charges established by the legislature for the 2003 biennium in compliance with 17-7-123(6)(b) are as follows:

	Fiscal Year <u>2002</u>	Fiscal Year <u>2003</u>
Secretary of State - 3201		
1. Administrative Rules of Montana Fees		
a. Administrative Rules of Montana (per set)	\$350.00	\$350.00
b. Quarterly Updates of ARM (per year)	\$250.00	\$250.00
c. Extra Titles (per book)	\$50.00	\$50.00
d. Quarterly Updates of Extra Titles (per year per title)	\$50.00	\$50.00
e. Montana Administrative Register (per subscription)	\$300.00	\$300.00
f. Agency Filing Fee for Pages of Register Publication (per page)	\$40.00	\$40.00
g. Binders (per binder)	\$5.00	\$5.00
h. Lapsed Subscription Fee ARM (per subscription)	\$50.00	\$50.00
i. Lapsed Subscription Fee Extra Title (per title)	\$10.00	\$10.00
j. Fax Fee - 10 Pages or Less (first 10 pages)	\$3.00	\$3.00
k. Fax Fee - Additional Pages Over 10 Pages (per page)	\$0.25	\$0.25
l. Research Fee (per hour)	\$12.00	\$12.00
m. Set Cleanup Fee (per hour)	\$12.00	\$12.00
n. Missing Page Fee (per page up to cost of set)	\$0.50	\$0.50
o. Rule Edit Fee (per hour)	\$15.00	\$15.00
p. Late Filing Fee (less than 2 hours) (per occurrence)	\$5.00	\$5.00
q. Late Filing Fee (2 hours to 4 hours) (per occurrence)	\$10.00	\$10.00
r. Late Filing Fee (more than 4 hours) (per occurrence)	\$25.00	\$25.00
2. Records Management Fees (based on 2-6-203)		
a. 16MM Microfilm		
Less than 250,000	\$38.58	\$38.58
Nontypical extreme weight and size	\$38.58	\$38.58
8" x 11"; 8" x 14" paper work	\$30.00	\$30.00
8" x 11"; 8" x 14" computer print out	\$30.00	\$30.00
Extreme size and weight variance	\$31.50	\$31.50
Cards - fixed weight and color	\$15.75	\$15.75
Cards - mixed weight and color	\$26.25	\$26.25
b. 35MM Microfilm		
L (per 12" x 12") aerial photos	\$68.25	\$68.25
16" x 20" bound books	\$63.00	\$63.00
24" x 34" newspapers	\$115.50	\$115.50
24" x 34" bound newspapers	\$136.50	\$136.50
48" x 48" blue prints/maps	\$288.75	\$288.75
c. 105MM Microfilm		
8" x 11" paper work	\$68.25	\$68.25
8" x 11"; 8" x 14" computer print out	\$77.17	\$77.17

	Cards (per 1,000)	\$77.17	\$77.17
	Minimum filing charge	\$37.50	\$37.50
d.	Film Processing		
	16mm, 100 foot roll	\$3.62	\$3.62
	16mm, 215 foot roll	\$7.10	\$7.10
	35mm, 100 foot roll	\$6.35	\$6.35
	16mm, 3M cartridges	\$4.73	\$4.73
e.	Film Inspecting		
	100 foot roll inspection (per roll)	\$3.65	\$3.65
	215 foot roll inspection (per roll)	\$5.23	\$5.23
	Film splicing	\$0.79	\$0.79
	3M cartridge loading	\$2.25	\$2.25
f.	Duplication		
	16mm, 100 foot roll (per roll)	\$6.81	\$6.81
	16mm, 215 foot roll (per roll)	\$13.03	\$13.03
	35mm, 100 foot roll (per roll)	\$9.21	\$9.21
	105mm, microfiche or jackets	\$0.16	\$0.16
	Reader/printer copies	\$0.50	\$0.50
	Photocopies/own labor	\$0.10	\$0.10
	Photocopies/our labor	\$0.50	\$0.50
	16mm, 100 foot roll (per roll)	\$9.92	\$9.92
	35mm, 100 foot roll (per roll)	\$14.54	\$14.54
g.	Jacket Loading		
	16mm, 5 channel jacket	\$0.3150	\$0.3150
	Agency's own jacket	\$0.2887	\$0.2887
	35mm, 1 and 2 channel jacket	\$0.3150	\$0.3150
	Loading 16mm aperture card	\$0.2625	\$0.2625
	Jacket title	\$0.2625	\$0.2625
	Jacket notching	\$0.0525	\$0.0525
h.	Miscellaneous		
	Fiche title (per title)	\$0.2625	\$0.2625
	Indexing and document prep/hour (per hour)	\$18.00	\$18.00
	Camera rental (per day)	\$95.00	\$95.00
i.	Supplies		
	NMI reader bulbs (per bulb)	\$10.75	\$10.75
	16mm, 100 foot roll film (per roll)	\$6.68	\$6.68
	16mm, 215 foot roll film (per roll)	\$12.95	\$12.95
	35mm, 100 foot roll film (per roll)	\$13.95	\$13.95
j.	Records Center Services		
	Storage (per square foot per month)	\$0.2565	\$0.2565
	Storage (per cubic foot per month)	\$0.295	\$0.295
	Retrievals (per occurrence)	\$1.50	\$1.50
	Emergency retrievals (per occurrence)	\$6.25	\$6.25

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	Large retrievals, delivery, interfiling(per occurrence)	\$22.50	\$22.50
	Records disposal(per hour)	\$22.50	\$22.50
	Shreddingconf identialrecords(per hour)	\$23.05	\$23.05
k.	Records Cen ter Boxes		
	Records stor age boxes: stan dard size A(per box)	\$1.34	\$1.34
	Drawing and map stor age boxes: size C(per box)	\$1.34	\$1.34
l.	Im aging Services		
	Im aging(per im age)	\$0.055	\$0.055
	Indexing and docu ment prep a ra tion(per hour)	\$18.00	\$18.00
De part ment of Trans por ta tion - 5401			
1.	State Mo tor Pool		
a.	Class 02 (small util i ties)		
	per hour as signed	\$1.597	\$1.600
	per mileoper ated	\$0.022	\$0.022
b.	Class 04 (large util i ties)		
	per hour as signed	\$2.116	\$2.335
	per mileoper ated	\$0.056	\$0.056
c.	Class 06 (passenger cars)		
	per hour as signed	\$1.501	\$1.643
	per mileoper ated	\$0.054	\$0.054
d.	Class 07 (small and stan dard size pick ups)		
	per hour as signed	\$1.270	\$1.260
	per mileoper ated	\$0.030	\$0.030
e.	Class 11 (large 4X4 pick ups)		
	per hour as signed	\$1.832	\$2.334
	per mileoper ated	\$0.056	\$0.056
f.	Class 12 (vans)		
	per hour as signed	\$1.449	\$1.632
	per mileoper ated	\$0.071	\$0.071
2.	Equipment Program		
a.	60-Day Working Cap i tal		
De part ment of Reve nue - 5801			
1.	Cus tomer Ser vice Cen ter		
a.	De lin quent Account Col lec tion Fee (per cent of amount collected)	10.0%	10.0%
De part ment of Admin is tra tion - 6101			
1.	Account ing and Man age ment Support		
a.	Legal Services Unit	Share(percent)of Total Revenue Each Program or Division Will Pay	
	Teachers' Ret ire ment	20%	20%
	Employee Benefits Program	26%	26%
	Risk Man age ment and Tort Defense	2%	2%
	General Services Division	7%	7%
	Architecture and Engineering	18%	18%

Information Services Division	27%	27%
Total	100%	100%
b. Network Support Unit		
Programming cost	60-day working capital reserve	
Computer support (per computer)	\$714	\$732
Server support (per server)	\$1,072	\$1,098
c. Warrant Writing (per warrant)		
Mailer warrants	\$0.6170	\$0.6145
Nonmailers	\$0.2080	\$0.2055
Emergency warrant	\$4.1329	\$4.1320
Duplicate warrant	\$5.6632	\$5.6624
Direct deposits	\$0.1671	\$0.1660
Externals - printed from an outside system	\$0.1850	\$0.1825
d. Personnel Unit		
Allocation to supported divisions (per FTE basis)	\$88,262	\$92,691
e. SB 445 Indirect Costs - The department is authorized to spend up to \$294,208 in fiscal year 2002 and \$296,509 in fiscal year 2003 (proprietary funds) to implement the reorganization specified in Senate Bill No. 445.		
2. Procurement and Printing		
a. Publications and Graphics	60-day working capital reserve	
b. Central Stores	60-day working capital reserve	
c. Natural Gas Procurement	break-even (no reserve)	
d. Statewide Fueling Network (percent of gross purchases)	5.0%	5.0%
e. Statewide Procurement Card Program (per card)	\$1.00	\$1.00
3. Information Services Division		
a. Data Network Fee (per connected terminal per month)	\$72.60	\$72.60
b. Statewide Accounting, Budgeting, and Human Resources System (SABHRS) Allocation to Agencies	\$4,168,460	\$4,211,734
c. All Remaining Operations of the Division	45-day working capital reserve	
4. General Services Division		
a. Office Space Rent (per square foot)	\$4.77	\$4.88
b. Warehouse Space Rent (per square foot)	\$2.12	\$2.12
5. Mail and Distribution Bureau		
a. Interagency Mail (total amount allocated to agencies)	\$171,655	\$171,655
b. All Other Operations Except for Interagency Mail	60-day working capital reserve	
6. State Personnel Division		
a. Intergovernmental Training (per hour)	\$113	\$113
b. State Payroll Unit (total amount allocated to agencies)	\$356,958	\$366,248
c. Employee Benefits Program - Because state employee benefit plans require a large number of individual premiums for a variety of benefit options, because the portion of the premiums paid by the state is statutorily established in 2-18-703, and because the employee-paid portion of these premiums must be adjusted from time to time to meet the		

requirements of 2-18-812(1) to maintain state employee group benefit plans on an actuarially sound basis, the legislature de fines "rates and fees" for state employee benefit programs to mean the state contribution toward employee group benefits provided for in 2-18-703 and the employee contribution toward employee group benefits necessary to meet the requirements of 2-18-812(1).

7. Risk Management and Tort Defense

a. General Liability (total allocation to agencies)	\$5,362,500	\$5,775,000
b. Automobile Liability (total allocation to agencies)	\$1,137,500	\$1,225,000
c. Property (total allocation to agencies)	\$1,200,500	\$1,270,930
d. Airport/Aircraft (total allocation to agencies)	\$116,567	\$128,222
e. All Other Lines (total allocation to agencies)	\$239,413	\$258,508

Fish, Wildlife & Parks - 5201

1. Administration and Finance (% markup)

a. Warehouse Overhead	14%	14%
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2. Vehicle Account Rates Per Mile

a. Sedans	\$0.20	\$0.24
b. Suburban-4x4	\$0.33	\$0.35
c. Vans 1/2 Ton	\$0.18	\$0.21
d. Vans 1/2 Ton Window	\$0.27	\$0.32
e. Pickup 1/2 Ton 2x4	\$0.33	\$0.34
f. Pickup 3/4 Ton 4x4 V8	\$0.20	\$0.22
g. Grounds Maintenance	\$0.75	\$0.85
h. Bronco 4x4	\$0.24	\$0.28
i. Pickup 1/2 Ton 4x4	\$0.27	\$0.34
j. Pickup 3/4 Ton 4x4 HD	\$0.30	\$0.35
k. Pickup 3/4 Ton 4x4 HD XC	\$0.35	\$0.38
l. Pickup 1 Ton 4x4	\$0.33	\$0.37
m. Pickup 3/4 Ton 4x4 MD	\$0.24	\$0.27
n. Pickup 3/4 Ton 4x4 MD XC	\$0.29	\$0.33
o. Pickup 1/2 Ton 4x4 LD XC	\$0.29	\$0.33

3. Aircraft Per Hour Rates

a. Two-Place Single Engine	\$ 54.02	\$ 56.72
b. Partnavia	\$257.24	\$270.10
c. Turbine Helicopters	\$313.58	\$329.26

4. Parks - Capitol Grounds Maintenance \$0.3696/sq. ft. \$0.3696/sq. ft.

5. Duplicating - Number of Copies (includes paper)

a. 1-20	\$0.045	\$0.050
b. 21-100	\$0.030	\$0.035
c. 101-1000	\$0.025	\$0.030
d. 1001-5000	\$0.020	\$0.025

6. Bindery

a. Collating (per sheet)	\$0.005	\$0.005
b. Hand Stapling (per set)	\$0.015	\$0.015
c. Saddle Stitch (per set)	\$0.030	\$0.030

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d.	Folding(per sheet)	\$0.005	\$0.005
e.	Punching(per sheet)	\$0.001	\$0.001
f.	Cutting(per minute)	\$0.550	\$0.550
Department of Environmental Quality - 5301			
1.	Central Management		
a.	Expenses Against Personal Services	24%	24%
Department of Natural Resources and Conservation - 5706			
1.	Air Operations Program		
a.	Fixed Wing	\$95	\$95
b.	Bell 206A Helicopter	\$355	\$355
c.	UH-1 Huey Helicopter	\$875	\$875
Department of Commerce - 6501			
1.	Local Government Services Bureau		
a.	Local Government Assistance Administration Recharge	1.70%	1.70%
2.	Board of Investments		
For purposes of [this act], the legislature defines "rates" as the total collections necessary to operate the board of investments as follows:			
a.	Administration Charge (total)	\$2,860,200	\$2,805,200
3.	Director's Office/Management Services		
a.	Management Services Indirect Charge Rate	15.50%	15.50%
Department of Justice - 4110			
1.	Agency Legal Services		
a.	Attorney(per hour)	\$70	\$70
b.	Investigator/Paralegal(per hour)	\$38	\$38
Department of Corrections - 6401			
1.	Secure Facilities		
a.	Cook/chill rate to MSP	\$1.80/meal	\$1.78/meal
b.	Cook/chill rate to MSH	\$1.83/meal	\$1.82/meal
c.	Cook/chill rate to TSCTC	\$1.83/meal	\$1.81/meal
d.	Cook/chill rate to River side	\$2.79/meal	\$2.86/meal
e.	Cook/chill rate to DUI facility	\$1.86/meal	\$1.84/meal
f.	Cook/chill rate to Helena pre release	\$2.43/meal	\$2.47/meal
2.	Montana Corrections Enterprises		
a.	Laundry rate to MSP	\$0.39/lb	\$0.39/lb
b.	Laundry rate to MSH	\$0.38/lb	\$0.38/lb
c.	Laundry rate to MDC	\$0.46/lb	\$0.46/lb
Department of Labor and Industry - 6602			
1.	Centralized Services Division		
a.	Cost Allocation Plan	9.44%	10.14%
2.	Professional and Occupational Licensing		
a.	House Bill No. 2 Programs Recharge Rate	38%	38%
Office of Public Instruction - 3501			
1.	OPI Indirect Cost Pool	17%	17%

2. Advanced Driver Education

a. Workshop Fees

Full-day workshop/person	\$175.00 - \$200.00
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Half-day refresher/person	\$115.00 - \$125.00
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b. Facility Usage Fees

Montana state government/day	\$85.00
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High school driver education	
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Per year when track not in use	\$500.00
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Per day after hours and not in use	\$25.00
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Private nonprofit/day	\$200.00
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Commercial use/day	\$1,500.00 - \$2,000.00
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MONTANA UNIVERSITY SYSTEM - 5100

Because certain employee benefit plans require a large number of individual premiums for a variety of benefit options, because the portion of these premiums paid by the state is statutorily established in 2-18-703, and because the employee-paid portion of these premiums must be adjusted from time to time to maintain employee group benefit plans on an actuarially sound basis, the legislature defines rates and fees for Montana university system employee benefit programs to mean the state contribution toward employee group benefits provided for in 2-18-703 and the employee contribution toward employee group benefits necessary to maintain the employee group benefit plans on an actuarially sound basis."

Approved August 26, 2002

CHAPTER NO. 24

[SB 15]

AN ACT REDUCING THE IMPACT ON THE GENERAL FUND OF THE TAX CREDIT FOR CONTRIBUTIONS TO A QUALIFIED ENDOWMENT; TEMPORARILY REDUCING THE INDIVIDUAL INCOME TAX CREDIT FOR CONTRIBUTIONS TO A QUALIFIED ENDOWMENT TO 30 PERCENT; TEMPORARILY REDUCING THE CORPORATE TAX CREDIT FOR CHARITABLE CONTRIBUTIONS TO A QUALIFIED ENDOWMENT TO 13.3 PERCENT; TEMPORARILY REDUCING THE AMOUNT OF THE MAXIMUM CREDIT THAT CAN BE CLAIMED TO \$6,600; TEMPORARILY INCREASING THE TAX CREDITS FOR CONTRIBUTIONS TO A QUALIFIED ENDOWMENT TO OFFSET THE TEMPORARY DECREASES TO THE CREDITS; AMENDING SECTIONS 15-30-166, 15-30-167, 15-31-161, AND 15-31-162, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE, APPLICABILITY DATES, AND TERMINATION DATES.

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 15-30-166, MCA, is amended to read:

"15-30-166. (Temporary) Credit for contributions to qualified endowment. (1) A taxpayer is allowed a tax credit against the taxes imposed by 15-30-103 or 15-31-101 in an amount equal to ~~40%~~ 30% of the present value of the aggregate amount of the charitable gift portion of a planned gift made by the taxpayer during the year to any qualified endowment. The maximum credit that may be claimed by a taxpayer for contributions made from all sources in a year is

~~\$10,000~~ \$6,600. The credit allowed under this section may not exceed the taxpayer's income tax liability.

(2) The credit allowed under this section may not be claimed by an individual taxpayer if the taxpayer has included the full amount of the contribution upon which the amount of the credit was computed as a deduction under 15-30-121(1) or 15-30-136(2).

(3) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied to the tax year in which the contribution is made. (Terminates December 31, 2007—sec. 5, Ch. 226, L. 2001.)”

Section 2. Section 15-30-166, MCA, is amended to read:

“15-30-166. (Temporary) Credit for contributions to qualified endowment. (1) A taxpayer is allowed a tax credit against the taxes imposed by 15-30-103 or 15-31-101 in an amount equal to ~~40%~~ 50% of the present value of the aggregate amount of the charitable gift portion of a planned gift made by the taxpayer during the year to any qualified endowment. The maximum credit that may be claimed by a taxpayer for contributions made from all sources in a year is ~~\$10,000~~ \$13,400. The credit allowed under this section may not exceed the taxpayer's income tax liability.

(2) The credit allowed under this section may not be claimed by an individual taxpayer if the taxpayer has included the full amount of the contribution upon which the amount of the credit was computed as a deduction under 15-30-121(1) or 15-30-136(2).

(3) There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied to the tax year in which the contribution is made. (Terminates December 31, 2007—sec. 5, Ch. 226, L. 2001.)”

Section 3. Section 15-30-167, MCA, is amended to read:

“15-30-167. (Temporary) Beneficiaries of estates — credit for contribution to qualified endowment. A contribution to a qualified endowment, as defined in 15-30-165, by an estate qualifies for the credit provided in 15-30-166 if the contribution is a planned gift or in 15-31-161 if the contribution is an outright gift to a qualified endowment. Any credit not used by the estate may be attributed to each beneficiary of the estate in the same proportion used to report the beneficiary's income from the estate for Montana income tax purposes. The maximum amount of credit that a beneficiary may claim is ~~\$10,000~~ \$6,600, subject to the limitation in 15-30-166(2), and the credit must be claimed in the year in which the contribution is made. The credit may not be carried forward or carried back. (Terminates December 31, 2007—sec. 5, Ch. 226, L. 2001.)”

Section 4. Section 15-30-167, MCA, is amended to read:

“15-30-167. (Temporary) Beneficiaries of estates — credit for contribution to qualified endowment. A contribution to a qualified endowment, as defined in 15-30-165, by an estate qualifies for the credit provided in 15-30-166 if the contribution is a planned gift or in 15-31-161 if the contribution is an outright gift to a qualified endowment. Any credit not used by the estate may be attributed to each beneficiary of the estate in the same proportion used to report the beneficiary's income from the estate for Montana income tax purposes. The maximum amount of credit that a beneficiary may claim is ~~\$10,000~~ \$13,400, subject to the limitation in 15-30-166(2), and the credit must be claimed in the year in which the contribution is made. The credit may

not be carried forward or carried back. (Terminates December 31, 2007—sec. 5, Ch. 226, L. 2001.)”

Section 5. Section 15-31-161, MCA, is amended to read:

“15-31-161. (Temporary) Credit for contribution by corporations to qualified endowment. A corporation is allowed a credit in an amount equal to ~~20%~~ 13.3% of a charitable gift against the taxes otherwise due under 15-31-101 for charitable contributions made to a qualified endowment, as defined in 15-30-165. The maximum credit that may be claimed by a corporation for contributions made from all sources in a year under this section is ~~\$10,000~~ \$6,600. The credit allowed under this section may not exceed the corporate taxpayer's income tax liability. The credit allowed under this section may not be claimed by a corporation if the taxpayer has included the full amount of the contribution upon which the amount of the credit was computed as a deduction under 15-31-114. There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied to the tax year in which the contribution is made. (Terminates December 31, 2007—sec. 5, Ch. 226, L. 2001.)”

Section 6. Section 15-31-161, MCA, is amended to read:

“15-31-161. (Temporary) Credit for contribution by corporations to qualified endowment. A corporation is allowed a credit in an amount equal to ~~20%~~ 26.7% of a charitable gift against the taxes otherwise due under 15-31-101 for charitable contributions made to a qualified endowment, as defined in 15-30-165. The maximum credit that may be claimed by a corporation for contributions made from all sources in a year under this section is ~~\$10,000~~ \$13,400. The credit allowed under this section may not exceed the corporate taxpayer's income tax liability. The credit allowed under this section may not be claimed by a corporation if the taxpayer has included the full amount of the contribution upon which the amount of the credit was computed as a deduction under 15-31-114. There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied to the tax year in which the contribution is made. (Terminates December 31, 2007—sec. 5, Ch. 226, L. 2001.)”

Section 7. Section 15-31-162, MCA, is amended to read:

“15-31-162. (Temporary) Small business corporation, partnership, and limited liability company credit for contribution to qualified endowment. A contribution to a qualified endowment, as defined in 15-30-165, by a small business corporation, as defined in 15-30-1101, a partnership, or a limited liability company, as defined in 35-8-102, carrying on any trade or business for which deductions would be allowed under section 162 of the Internal Revenue Code, 26 U.S.C. 162, or carrying on any rental activity qualifies for the credit provided in 15-31-161. The credit must be attributed to shareholders, partners, or members or managers of a limited liability company in the same proportion used to report the corporation's, partnership's, or limited liability company's income or loss for Montana income tax purposes. The maximum credit that a shareholder of a small business corporation, a partner of a partnership, or a member or manager of a limited liability company may claim in a year is ~~\$10,000~~ \$6,600, subject to the limitations in 15-30-166(2). The credit allowed under this section may not exceed the taxpayer's income tax liability. There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied to the tax year in which the contribution is made. (Terminates December 31, 2007—sec. 5, Ch. 226, L. 2001.)”

Section 8. Section 15-31-162, MCA, is amended to read:

“15-31-162. (Temporary) Small business corporation, partnership, and limited liability company credit for contribution to qualified endowment. A contribution to a qualified endowment, as defined in 15-30-165, by a small business corporation, as defined in 15-30-1101, a partnership, or a limited liability company, as defined in 35-8-102, carrying on any trade or business for which deductions would be allowed under section 162 of the Internal Revenue Code, 26 U.S.C. 162, or carrying on any rental activity qualifies for the credit provided in 15-31-161. The credit must be attributed to shareholders, partners, or members or managers of a limited liability company in the same proportion used to report the corporation's, partnership's, or limited liability company's income or loss for Montana income tax purposes. The maximum credit that a shareholder of a small business corporation, a partner of a partnership, or a member or manager of a limited liability company may claim in a year is ~~\$10,000~~ \$13,400, subject to the limitations in 15-30-166(2). The credit allowed under this section may not exceed the taxpayer's income tax liability. There is no carryback or carryforward of the credit permitted under this section, and the credit must be applied to the tax year in which the contribution is made. (Terminates December 31, 2007—sec. 5, Ch. 226, L. 2001.)”

Section 9. Effective date. [This act] is effective on passage and approval.

Section 10. Applicability. (1) [Sections 1, 3, 5, and 7] apply to charitable gifts made on or after [the effective date of this act].

(2) [Sections 2, 4, 6, and 8] apply to charitable gifts made on or after July 1, 2003.

Section 11. Termination. (1) [Sections 1, 3, 5, and 7] terminate June 30, 2003.

(2) [Sections 2, 4, 6, and 8] terminate April 30, 2004.

Approved August 28, 2002

RESOLUTIONS

Passed by the

FIFTY-SEVENTH LEGISLATURE IN SPECIAL SESSION

**Held at Helena, the Seat of Government
Au gust 5, 2002, through Au gust 10, 2002**

**Ex plan a tory Note: Sec tion 5-11-205, MCA, pro vides that
new parts of ex ist ing stat utes be printed in ital ics and
that de leted pro vi sions be shown as stricken.**

**COM PILED BY MONTANA
LEGISLATIVE SERVICES DIVISION**

House Joint Resolution**HOUSE JOINT RESOLUTION NO. 1**

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ESTABLISHING AN OFFICIAL ESTIMATE OF THE STATE'S ANTICIPATED GENERAL FUND REVENUE FOR THE 2002-03 BIENNIUM FOR THE PURPOSE OF ACHIEVING A BALANCED BUDGET; ACCEPTING THE JUNE 30, 2002, GENERAL FUND BALANCE THAT WAS ESTABLISHED BASED ON GENERALLY ACCEPTED ACCOUNTING PRINCIPLES; AND REQUESTING THE GOVERNOR'S OFFICE OF BUDGET AND PROGRAM PLANNING TO USE THE FIGURES CONTAINED IN THE RESOLUTION AS THE OFFICIAL REVENUE TOTALS FOR FISCAL YEAR 2002 AND THE OFFICIAL REVENUE ESTIMATES FOR FISCAL YEAR 2003.

WHEREAS, Article VI, section 9, of the Montana Constitution requires the Governor to submit to the Legislature a budget for the ensuing fiscal period, containing in detail the estimated revenue of the state; and

WHEREAS, Article VIII, section 9, of the Montana Constitution prohibits the Legislature from appropriating funds in excess of the anticipated revenue of the state; and

WHEREAS, between the April 2001 adjournment of the 57th Legislature and October 2001, general fund revenue was exceeding expectations; and

WHEREAS, the 57th Legislature had estimated a projected general fund ending fund balance of \$53.8 million by June 30, 2003; and

WHEREAS, at the end of fiscal year 2001, the general fund balance had increased \$62.2 million, leaving a projected ending fund balance on June 30, 2003, of \$116.5 million; and

WHEREAS, in December 2001, the Legislative Fiscal Division reported to the Revenue and Transportation Interim Committee that revenue collections from individual income taxes had begun to slow; and

WHEREAS, by May 2001, individual and corporate income tax revenue was well below projections while income tax refunds to taxpayers had increased; and

WHEREAS, the Legislative Fiscal Division has attributed the decline in revenue partly to the national economic recession, the September 11 terrorist attacks, and a marked decline in capital gains, which has resulted in corresponding reductions in individual and corporate income tax revenue; and

WHEREAS, section 17-7-140, MCA, requires the Governor to implement limited spending reductions in the event of a projected general fund budget deficit; and

WHEREAS, pursuant to section 17-7-140, MCA, the Governor's Budget Director recommended a 3.5% reduction in general fund expenditures and notified the Legislative Fiscal Analyst, the Legislative Finance Committee, and the Revenue and Transportation Interim Committee of this recommendation; and

WHEREAS, on June 13 and 14, the Legislative Finance Committee and the Revenue and Transportation Interim Committee met separately to examine the

proposed spending reductions, to review revised revenue estimates, and to make recommendations to the Governor; and

WHEREAS, revenue to the general fund has continued to decline and it was determined at the end of June that the 3.5% reduction in expenditures would be insufficient to avoid deficit spending;

WHEREAS, the Legislative Fiscal Division expects total general fund revenue for the 2003 biennium to be \$114.6 million below the estimates adopted by the 57th Legislature in House Joint Resolution No. 2; and

WHEREAS, on June 28, the Governor issued a call for a special session of the 57th Legislature to begin August 5, 2002; and

WHEREAS, the Governor's call directed the Legislature to consider legislation that would approve fund balance transfers, reduce general fund expenditures, reduce nongeneral fund appropriations and nonbudgeted transfers, reduce the general fund shortfall, and provide for a guarantee account in the state special revenue fund; and

WHEREAS, given the magnitude of Montana's fiscal crisis and given the Legislature's constitutional responsibility to balance the budget, it is in the best interests of the state that revenue forecasts be discussed and determined in a public hearing at which all interested individuals may attend and participate; and

WHEREAS, actual revenue for fiscal year 2002 and revised revenue projections for fiscal year 2003 will be reviewed by the House and Senate Taxation Committees in a joint meeting prior to the commencement of the special session; and

WHEREAS, the revenue estimates contained in this resolution are intended to supersede the estimates contained in House Joint Resolution No. 2 of the 57th Legislature meeting in regular session.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

That the actual state general fund revenue for fiscal year 2002 be \$1,265,711,000 and that the estimated general fund revenue for fiscal year 2003 be \$1,259,027,000.

BE IT FURTHER RESOLVED, that the Legislature accept for budget purposes, the unreserved fiscal year 2002 fund balance of \$84,105,211 for the general fund, prepared according to generally accepted accounting principles.

BE IT FURTHER RESOLVED, that the Governor's Office of Budget and Program Planning use, as contemplated in 5-18-107(2), the figures contained in this resolution as the official revenue totals for fiscal year 2002 and the official revenue estimates for fiscal year 2003.

GENERAL FUND REVENUE

The revised estimates for total general fund revenue for the 2002-03 biennium are based on an assumption of a continuation of Montana law as it existed on July 1, 2002. The general fund revenue estimates contained in the following table are also based on statutory changes affecting general fund revenue that were enacted during the 2001 Legislative Session.

Current Law
General Fund Revenue Estimates
(In Millions of Dollars)

Source of Revenue	Actual FY 2002	Estimated FY 2003	Actual and Estimated FY 2002 and FY 2003
Individual Income Tax	\$517.568	\$527.919	\$1,045.487
State wide School and Vo-Tech Property Taxes	169.339	174.297	343.636
Corporation Income Tax	68.173	63.095	131.268
Vehicle Fees in Lieu of Tax	73.127	74.224	147.351
Common School Interest & Income	48.938	48.801	97.739
Insurance Tax & License Fees	47.291	47.793	95.084
Permanent Coal Trust Interest Earnings	37.605	37.640	75.245
U.S. Mineral Royalty	19.772	20.474	40.246
All Other Revenue	42.439	20.358	62.797
Tobacco Settlement Revenue	18.647	18.854	37.501
Telecommunications Excise Tax	19.594	21.379	40.973
Video Gambling Machine Tax	43.666	45.413	89.079
Treasury Cash Account Interest	13.191	14.316	27.507
Inheritance Tax and Estate Tax	13.816	9.299	23.115
Oil & Natural Gas Production Tax	12.902	13.819	26.721
Motor Vehicle Registration Fees	27.271	27.680	54.951
Public Institution Reimbursements	14.283	16.332	30.615
Coal Severance Tax	8.469	8.460	16.929
Liquor Excise & License Tax	9.514	9.990	19.504
Cigarette Tax	7.887	7.722	15.609
Investment License Fee	4.992	5.067	10.059
Lottery Profits	7.467	6.800	14.267
Liquor Profits	5.600	5.713	11.313
Nursing Facilities Fee	5.918	5.968	11.886
Foreign Capital Depository Tax	0.000	0.000	0.000
Electrical Energy Producer's License Tax	4.197	4.217	8.414
Metalliferous Mines Tax	3.329	3.176	6.505
Highway Patrol Fines	4.062	4.130	8.192
Public Contractors Tax	3.267	2.275	5.542
Whole sale Energy Transaction Tax	2.906	3.143	6.049
Tobacco Tax	2.183	2.319	4.502
Driver's License Fee	2.580	2.592	5.172
Railroad Car Tax	1.490	1.537	3.027
Wine Tax	1.232	1.265	2.497
Beer Tax	2.784	2.960	5.744
Telephone License Tax	0.212	0.000	0.212
Long-Range Bond Excess	0.000	0.000	0.000
Total General Fund	\$1,265.711	\$1,259.027	\$2,524.738

Adopted August 10, 2002

Senate Resolutions

SENATE RESOLUTION NO. 1

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE NOMINATION AND APPOINTMENT, MADE BY THE CHIEF JUSTICE OF THE MONTANA SUPREME COURT AND SUBMITTED TO THE SENATE, OF THE HONORABLE C. BRUCE LOBLE AS CHIEF WATER JUDGE.

WHEREAS, the Chief Justice of the Montana Supreme Court has made the nomination, below designated, pursuant to an Order of the Court, dated June 21, 2001; and

WHEREAS, the appointment has been submitted to the Senate, to wit:

C. Bruce Loble as Chief Water Judge for the State of Montana, for a 4-year term of office commencing July 1, 2001, and ending June 30, 2005.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the 57th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above nomination.

BE IT FURTHER RESOLVED, that the Secretary of the Senate immediately deliver a copy of this resolution, certified by the President and Secretary of the Senate, to the Secretary of State and a copy, certified by the Secretary of the Senate, to the Governor pursuant to section 5-5-303, MCA.

Adopted August 5, 2002

SENATE RESOLUTION NO. 2

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE NOMINATIONS OF APPOINTMENTS MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JULY 29, 2002, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the nominations of appointment, below designated, that have been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As members of the Pacific Northwest Electric Power and Conservation Planning Council, in accordance with the provisions of section 90-4-402, MCA:

Mr. Ed Bartlett, Helena, Montana, appointed to serve a term at the pleasure of the Governor.

Mr. John Hines, Helena, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the August 2002 Special Session of the 57th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above nominations and that the Secretary of the Senate immediately deliver a copy of

this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted August 7, 2002

SENATE RESOLUTION NO. 3

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE NOMINATION OF APPOINTMENT MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JULY 29, 2002, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the nomination of an appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As Commissioner of Labor and Industry, in accordance with the provisions of sections 2-15-111 and 2-15-1701, MCA:

Ms. Wendy Keating, Helena, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the August 2002 Special Session of the 57th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above nomination and that the Secretary of the Senate immediately deliver a copy of this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted August 7, 2002

SENATE RESOLUTION NO. 4

A RESOLUTION OF THE SENATE OF THE STATE OF MONTANA CONCURRING IN, CONFIRMING, AND CONSENTING TO THE NOMINATION OF APPOINTMENT MADE BY THE GOVERNOR AND SUBMITTED BY WRITTEN COMMUNICATION DATED JULY 29, 2002, TO THE SENATE.

WHEREAS, the Governor of the State of Montana has made the nomination of an appointment, below designated, that has been submitted to the Senate by the Governor pursuant to section 5-5-302, MCA:

As Director of the Department of Administration, in accordance with the provisions of sections 2-15-111 and 2-15-1001, MCA:

Mr. Scott Darkenwald, Helena, Montana, appointed to serve a term at the pleasure of the Governor.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF MONTANA:

That the Senate of the August 2002 Special Session of the 57th Legislature of the State of Montana does hereby concur in, confirm, and consent to the above nomination and that the Secretary of the Senate immediately deliver a copy of

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MONTANA SESSION LAWS AUGUST 2002

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this resolution to the Secretary of State and to the Governor pursuant to section 5-5-303, MCA.

Adopted August 7, 2002

TABLES

Code Sections Affected

Session Laws Affected

Senate Bill to Chapter Number

House Bill to Chapter Number

Chapter Number to Bill Number

Effective Dates By Chapter Number

Effective Dates by Date

Session Law to Code

CODE SECTIONS AFFECTED

<u>Title-Ch.-Sec.</u>	<u>Action</u>	<u>Chapter</u>	<u>Bill Number</u>
2-18-503	amended.....	Ch. 4	HB 6
15-1-111	amended.....	Ch. 13	HB 18
15-1-112	amended.....	Ch. 13	HB 18
15-1-116	amended.....	Ch. 13	HB 18
15-1-121	amended.....	Ch. 13	HB 18
15-1-122	amended.....	Ch. 9	HB 5
15-24-921	amended.....	Ch. 13	HB 18
15-24-925	amended.....	Ch. 13	HB 18
15-30-166	amended.....	Ch. 24	SB 15
15-30-167	amended.....	Ch. 24	SB 15
15-31-161	amended.....	Ch. 24	SB 15
15-31-162	amended.....	Ch. 24	SB 15
15-35-108	amended.....	Ch. 9	HB 5
	amended.....	Ch. 12	HB 10
	amended.....	Ch. 13	HB 18
15-36-324	amended.....	Ch. 12	HB 10
15-37-102	amended.....	Ch. 19	SB 30
15-37-103	amended.....	Ch. 19	SB 30
15-37-104	amended.....	Ch. 19	SB 30
15-37-105	amended.....	Ch. 19	SB 30
15-37-106	amended.....	Ch. 19	SB 30
15-37-108	amended.....	Ch. 19	SB 30
15-37-117	amended.....	Ch. 12	HB 10
	amended.....	Ch. 19	SB 30
15-38-202	amended.....	Ch. 20	HB 9
15-65-121	amended.....	Ch. 11	HB 8
	amended.....	Ch. 13	HB 18
17-2-107	amended.....	Ch. 8	HB 16
17-3-111	amended.....	Ch. 14	HB 21
17-3-240	amended.....	Ch. 5	HB 11
17-4-106	amended.....	Ch. 7	HB 13
17-7-502	amended.....	Ch. 10	HB 7
	amended.....	Ch. 13	HB 18
20-9-342	amended.....	Ch. 10	HB 7
20-9-343	amended.....	Ch. 10	HB 7
20-9-534	amended.....	Ch. 3	HB 4
20-9-620	amended.....	Ch. 3	HB 4
20-9-622	amended.....	Ch. 10	HB 7
23-5-123	amended.....	Ch. 13	HB 18
23-5-136	amended.....	Ch. 13	HB 18
25-1-201	amended.....	Ch. 13	HB 18
39-71-2352	amended.....	Ch. 16	SB 19
46-12-204	amended.....	Ch. 22	SB 17
46-18-202	amended.....	Ch. 22	SB 17
46-18-256	amended.....	Ch. 22	SB 17
46-23-502	amended.....	Ch. 22	SB 17
46-23-504	amended.....	Ch. 22	SB 17
46-23-506	amended.....	Ch. 22	SB 17
46-23-509	amended.....	Ch. 22	SB 17
46-23-1031	amended.....	Ch. 13	HB 18
50-15-301	amended.....	Ch. 13	HB 18
53-2-207	amended.....	Ch. 13	HB 18
53-19-306	amended.....	Ch. 18	SB 27
53-19-310	amended.....	Ch. 18	SB 27
53-24-108	amended.....	Ch. 21	SB 1
61-3-201	amended.....	Ch. 13	HB 18
61-3-317	amended.....	Ch. 13	HB 18
61-3-321	amended.....	Ch. 13	HB 18

61-3-537	amended	Ch. 13	HB 18
61-3-562	amended	Ch. 13	HB 18
61-4-310	amended	Ch. 13	HB 18
61-4-311	repealed	Ch. 13	HB 18
61-10-148	amended	Ch. 13	HB 18
61-12-701	amended	Ch. 13	HB 18
69-3-859	amended	Ch. 17	SB 26
69-3-861	amended	Ch. 17	SB 26
75-10-743	amended	Ch. 20	HB 9
80-2-230	amended	Ch. 13	HB 18
80-7-823	amended	Ch. 20	HB 9
90-1-108	repealed	Ch. 13	HB 18

SESSION LAWS AFFECTED

<u>Laws Affected</u>	<u>Action</u>	<u>Chapter</u>	<u>Bill Number</u>
Laws of 1991			
Ch. 749, sec. 4	repealed	Ch. 13	HB 18
Laws of 1993			
Ch. 217, sec. 1	repealed	Ch. 13	HB 18
Laws of 1995			
Ch. 217, sec. 2, 3	repealed	Ch. 13	HB 18
Laws of 1997			
Ch. 108, sec. 2	amended	Ch. 20	HB 9
Laws of 1999			
Ch. 557, sec. 2	amended	Ch. 12	HB 10
Laws of 2001			
Ch. 232, sec. 1, 2	amended	Ch. 20	HB 9
Ch. 434, sec. 2	amended	Ch. 11	HB 8
Ch. 502, sec. 2	amended	Ch. 15	SB 6
Ch. 553, sec. 8	amended	Ch. 2	HB 3
Ch. 572	amended	Ch. 23	HB 2
Ch. 573, sec. 2	amended	Ch. 12	HB 10
Ch. 573, sec. 5	amended	Ch. 20	HB 9
Ch. 574, sec. 244, 245, 246, 248			
249, 250, 257	amended	Ch. 13	HB 18

SENATE BILL TO CHAPTER NUMBER

<u>Bill Number</u>	<u>Chapter Number</u>	<u>Bill Number</u>	<u>Chapter Number</u>
SB 1	21	SB 19	16
SB 6	15	SB 26	17
SB 15	24	SB 27	18
SB 17	22	SB 30	19

HOUSE BILL TO CHAPTER NUMBER

<u>Bill Number</u>	<u>Chapter Number</u>	<u>Bill Number</u>	<u>Chapter Number</u>
HB 1.....	1	HB 9.....	20
HB 2.....	23	HB 10.....	12
HB 3.....	2	HB 11.....	5
HB 4.....	3	HB 12.....	6
HB 5.....	9	HB 13.....	7
HB 6.....	4	HB 16.....	8
HB 7.....	10	HB 18.....	13
HB 8.....	11	HB 21.....	14

CHAPTER NUMBER TO BILL NUMBER

<u>Chapter Number</u>	<u>Bill Number</u>	<u>Chapter Number</u>	<u>Bill Number</u>
Ch. 1.....	HB 1	Ch. 13.....	HB 18
Ch. 2.....	HB 3	Ch. 14.....	HB 21
Ch. 3.....	HB 4	Ch. 15.....	SB 6
Ch. 4.....	HB 6	Ch. 16.....	SB 19
Ch. 5.....	HB 11	Ch. 17.....	SB 26
Ch. 6.....	HB 12	Ch. 18.....	SB 27
Ch. 7.....	HB 13	Ch. 19.....	SB 30
Ch. 8.....	HB 16	Ch. 20.....	HB 9
Ch. 9.....	HB 5	Ch. 21.....	SB 1
Ch. 10.....	HB 7	Ch. 22.....	SB 17
Ch. 11.....	HB 8	Ch. 23.....	HB 2
Ch. 12.....	HB 10	Ch. 24.....	SB 15

EFFECTIVE DATES BY CHAPTER NUMBER

<u>Chapter Number</u>	<u>Bill Number</u>	<u>Effective Date</u>
Ch. 1.....	HB 1	08/13/2002
Ch. 2.....	HB 3	08/13/2002
Ch. 3.....	HB 4	08/13/2002
Ch. 4.....	HB 6	08/13/2002
Ch. 5.....	HB 11	08/13/2002
Ch. 6.....	HB 12	08/13/2002
Ch. 7.....	HB 13	08/13/2002
Ch. 8.....	HB 16	08/13/2002
Ch. 9.....	HB 5	08/16/2002
Ch. 10.....	HB 7	08/16/2002
Ch. 11.....	HB 8	08/16/2002
Ch. 12.....	HB 10	08/16/2002
Ch. 13.....	HB 18	08/16/2002
Ch. 14.....	HB 21	08/16/2002
Ch. 15.....	SB 6	08/20/2002
Ch. 16.....	SB 19	08/20/2002
Ch. 17.....	SB 26	08/20/2002
Ch. 18.....	SB 27	08/20/2002
Ch. 19.....	SB 30	08/20/2002
Ch. 20.....	HB 9	08/21/2002
Ch. 21.....	SB 1	08/21/2002
Ch. 22.....	SB 17	08/21/2002
Ch. 23.....	HB 2	07/01/2003
Ch. 24.....	SB 15	08/28/2002

EFFECTIVE DATES BY DATE

<u>Effective Date</u>	<u>Chapter Number</u>	<u>Bill Number</u>
08/13/2002	Ch. 1	HB 1
08/13/2002	Ch. 2	HB 3
08/13/2002	Ch. 3	HB 4
08/13/2002	Ch. 4	HB 6
08/13/2002	Ch. 5	HB 11
08/13/2002	Ch. 6	HB 12
08/13/2002	Ch. 7	HB 13
08/13/2002	Ch. 8	HB 16
08/16/2002	Ch. 9	HB 5
08/16/2002	Ch. 10	HB 7
08/16/2002	Ch. 11	HB 8
08/16/2002	Ch. 12	HB 10
08/16/2002	Ch. 13	HB 18
08/16/2002	Ch. 14	HB 21
08/20/2002	Ch. 15	SB 6
08/20/2002	Ch. 16	SB 19
08/20/2002	Ch. 17	SB 26
08/20/2002	Ch. 18	SB 27
08/20/2002	Ch. 19	SB 30
08/21/2002	Ch. 20	HB 9
08/21/2002	Ch. 21	SB 1
08/21/2002	Ch. 22	SB 17
08/28/2002	Ch. 24	SB 15
07/01/2003	Ch. 23	HB 2

SESSION LAW TO CODE

<u>Ch.</u>	<u>Sec.</u>	<u>MCA</u>	<u>Ch.</u>	<u>Sec.</u>	<u>MCA</u>
1	1	Appropriations	3	20-9-343	Voided by sec. 5(1), Ch. 10 (coordination section)
	2	Reversion	4	20-9-622	
	3	Effective date	5	Coordination instruction	
2	1	Sec. 8, Ch. 553, L. 2001	6	Effective date — retroactive applicability	
3	2	Effective date	11	1	Sec. 2, Ch. 434, L. 2001
	1	20-9-343 Voided by sec. 5(1), Ch. 10 (coordination section)	2	15-65-121	
	2	20-9-534	3	Effective date	
	3	20-9-620	12	1	15-35-108
	4	Coordination instruction Voided by sec. 5(1), Ch. 10 (coordination section)	2	15-36-324	
	5	Effective date — retroactive applicability	3	15-37-117	
4	1	2-18-503	4	Sec. 2, Ch. 557, L. 1999	
	2	Effective date	5	Sec. 2, Ch. 573, L. 2001	
5	1	17-3-240	6	Effective date	
	2	Effective date	7	Retroactive applicability	
6	1	Fiscal year 2003 hiring freeze — exemption	8	Termination	
	2	Effective date	13	1	15-1-111
	3	Termination	2	15-1-112	
7	1	17-4-106	3	15-1-116	
	2	Effective date	4	15-1-121	
8	1	17-2-107	5	15-24-921	
	2	Effective date	6	15-24-925	
9	1	15-1-122	7	15-35-108	
	2	15-35-108	8	15-65-121	
	3	Effective date	9	17-7-502	
	4	Retroactive applicability	10	23-5-123	
10	1	17-7-502	11	23-5-136	
	2	20-9-342	12	25-1-201	
			13	46-23-1031	
			14	50-15-301	
			15	53-2-207	

16	61-3-201	3	15-30-167
17	61-3-317	4	15-30-167
18	61-3-321	5	15-31-161
19	61-3-537	6	15-31-161
20	61-3-562	7	15-31-162
21	61-4-310	8	15-31-162
22	61-10-148	9	Effective date
23	61-12-701	10	Applicability
24	80-2-230	11	Termination
25	Sec. 244, Ch. 574, L. 2001		
26	Sec. 245, Ch. 574, L. 2001		
27	Sec. 246, Ch. 574, L. 2001		
28	Sec. 248, Ch. 574, L. 2001		
29	Sec. 249, Ch. 574, L. 2001		
30	Sec. 250, Ch. 574, L. 2001		
31	Sec. 257, Ch. 574, L. 2001		
32	Appropriation		
33	Lodging facility use tax — intent		
34	Repealer		
35	Effective date		
36	Retroactive applicability		
14	1 17-3-111		
	2 Effective date		
15	1 Sec. 2, Ch. 502, L. 2001		
	2 Effective date		
16	1 39-71-2352		
	2 Study of state fund structure		
	3 Effective date — retroactive applicability		
17	1 69-3-859		
	2 69-3-861		
	3 Effective date		
18	1 53-19-306		
	2 53-19-310		
	3 Fund transfer		
	4 Effective date		
19	1 15-37-102		
	2 15-37-103		
	3 15-37-104		
	4 15-37-105		
	5 15-37-106		
	6 15-37-108		
	7 15-37-117		
	8 Effective date		
	9 Applicability		
20	1 Transfer to reclamation and development grants account		
	2 Sec. 2, Ch. 108, L. 1997		
	3 Sec. 1, Ch. 232, L. 2001		
	4 Sec. 2, Ch. 232, L. 2001		
	5 Sec. 5, Ch. 573, L. 2001		
	6 15-38-202		
	7 75-10-743		
	8 80-7-823		
	9 Effective date		
21	1 53-24-108		
	2 Effective date		
	3 Termination		
22	1 46-12-204		
	2 46-18-202		
	3 46-18-256		
	4 46-23-502		
	5 46-23-504		
	6 46-23-506		
	7 46-23-509		
	8 Effective date		
	9 Applicability		
23	1 Ch. 572, L. 2001		
24	1 15-30-166		
	2 15-30-166		

SESSION LAWS
Enacted by the
FIFTY-SEVENTH LEGISLATURE
IN SPECIAL SESSION

Held at Helena, the Seat of Government
September 13, 2002

**Explanatory Note: Section 5-11-205, MCA, provides that
new parts of existing statutes be printed in italics and
that deleted provisions be shown as stricken.**

**COMPILED BY MONTANA
LEGISLATIVE SERVICES DIVISION**

CHAPTER NO. 1

[HB 1]

AN ACT AMENDING CHAPTER 23, SPECIAL LAWS OF AUGUST 2002, FOR THE SOLE PURPOSE OF INSERTING AN IMMEDIATE EFFECTIVE DATE; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND A RETROACTIVE APPLICABILITY DATE.

Be it enacted by the Legislature of the State of Montana:

Section 1. Chapter 23, Special Laws of August 2002, is amended to read:

“Section 1. Chapter 572, Laws of 2001, is amended to read:

“Section 1. Short title. [This act] may be cited as “The General Appropriations Act of 2001”.

Section 2. First level expenditures. The agency and program appropriation tables in the legislative fiscal analyst narrative accompanying ~~this bill~~ Chapter 572, Laws of 2001, showing first level expenditures and changes in [this act] to funding for the 2003 biennium, are adopted as legislative intent.

Section 3. Severability. If any section, subsection, sentence, clause, or phrase of [this act] is for any reason held unconstitutional, the decision does not affect the validity of the remaining portions of [this act].

Section 4. Appropriation control. An appropriation item designated as “Biennial” may be spent in either year of the biennium. An appropriation item designated “Restricted” may be used during the biennium only for the purpose designated by its title and as presented to the legislature. An appropriation item designated “One Time Only” or “OTO” may not be included in the present law base for the 2005 biennium. The office of budget and program planning shall establish a separate appropriation on the statewide budgeting and accounting system for any item designated as “Biennial”, “Restricted”, “One Time Only”, or “OTO”. The office of budget and program planning shall establish at least one appropriation on the statewide budgeting and accounting system for any appropriation that appears as a separate line item in [this act].

Section 5. Program definition. As used in [this act], “program” has the same meaning as defined in 17-7-102, is consistent with the management and accountability structure established on the statewide budgeting and accounting system, and is identified as a major subdivision of an agency ordinarily numbered with an arabic numeral.

Section 6. Personal services funding — 2005 biennium. (1) Except as provided in subsection (2), present law and new proposal funding budget requests for the 2005 biennium submitted under Title 17, chapter 7, part 1, by each executive, judicial, and legislative branch agency must include funding of first level personal services separate from funding of other expenditures. The funding of first level personal services by accounting entity or equivalent for each fiscal year must be shown at the fourth reporting level or equivalent in the budget request for the 2005 biennium submitted by October 30 to the legislative fiscal analyst by the office of budget and program planning.

(2) The provisions of subsection (1) do not apply to the Montana university system.

Section 7. Personal services line item. Funds appropriated for personal services or indicated in legislative intent as having been appropriated for

personal services may not be expended under any other category except for contract services (expenditure account 62102) or for the early return to work program. Any transfer of funds from personal services to contract services is to be used to directly substitute for use of personal services. Any transfer for either contract services or for the early return to work program must be reported in writing to the legislative finance committee. The provisions of this section do not apply to the Montana university system *or to the disability services division in the department of public health and human services for the purposes of adjusting the disabled population between institution and residential settings.*

Section 8. Vacancy savings analysis. The legislature is concerned about the use of the concept of vacancy savings in establishing funding for personal services. It is the intent of the legislature that an analysis of vacancy savings be completed prior to the 2003 legislative session to include the consideration of alternative options for funding of personal services at an appropriate level. The legislative finance committee is requested to include this analysis as part of the House Bill No. 613 personal services study if House Bill No. 613 is passed and approved or to include the analysis in the committee work plan for the legislative fiscal division. The legislative finance committee is encouraged to work cooperatively with the governor's budget director in completing this analysis.

Section 9. FTE reduction. The number of FTE has been reduced for all positions in the executive branch (excluding the university system) that have been identified by the legislature as vacant for over 7 months and that are not seasonal, already filled, or newly classified. The reduction is inclusive in the number of FTE shown in the agency and program tables in the legislative fiscal analyst narrative accompanying this bill. The eliminated positions are not to be funded in the present law base budget submitted by the governor for the 2005 biennium. The Legislative Fiscal Division Fiscal Report shall include a table listing the position numbers of the FTE that are eliminated. The number of FTE eliminated by agency is as follows:

Department of Transportation	49.27
Department of Revenue	2.03
Department of Administration	4.84
Department of Public Health and Human Services	9.26
Department of Fish, Wildlife, and Parks	5.02
Department of Environmental Quality	7.75
Department of Livestock	1.00
Department of Natural Resources and Conservation	9.27
Department of Agriculture	1.00
Department of Commerce	2.00
Department of Justice	4.00
Department of Public Service Regulation	0.50
Department of Corrections	0.65
Department of Labor and Industry	7.25
Office of Public Instruction	1.00

Section 10. Goals, benchmarks, and objectives. Each department, the Montana university system, and, when appropriate, each division of each department shall place their respective specific and measurable goals, benchmarks, and objectives for each year of the 2003 biennium on their

respective internet websites or, when appropriate, on the state's internet website. On July 1, 2001, and again on July 1, 2002, each department and the Montana university system shall report progress on the appropriate website in meeting the goals, benchmarks, and objectives and what changes, if any, were made to ensure that those goals, benchmarks, and objectives are attained. *On October 1, 2002, each department and the Montana university system shall report to the legislative finance committee and on their respective websites their revised goals, benchmarks, and objectives to reflect specific actions taken and changes made to implement the reductions in expenditures ordered by the governor under the authority of 17-7-140 on June 28, 2002, and all budget reduction actions taken by the legislature in the August 2002 Special Session. Revised performance measures must:*

(1) include a specific list of what programs, services, or procedures are being revised, reduced, or eliminated from current levels of operation because of budget reductions and the reasons for the change;

(2) clearly state which programs or services are the highest priority and should be maintained and why they are the highest priority;

(3) clearly state which programs or services are the least critical and why they are a lower priority;

(4) clearly state the criteria used to prioritize programs in view of budget reductions; and

(5) clearly state the specific management actions taken to implement these budget reductions and program or service revisions.

Section 11. Report from governor's office on energy management efforts. The governor's office, in cooperation with the commissioner of higher education, shall provide a report to the 58th legislature that details the efforts of state agencies to address energy costs. The report must include but is not limited to energy management activities of the department of environmental quality, the department of administration, and the Montana university system. The report should enumerate data, activities, and recommendations in the following areas:

(1) projected savings and other benefits from the state building energy conservation program, including building commissioning projects;

(2) potential changes to the conservation program that would encourage agency participation;

(3) other energy conservation efforts of state agencies;

(4) changes needed to encourage state agencies to conserve energy that do not require expending money on energy conservation projects;

(5) other energy conservation options and funding proposals;

(6) progress on the utility bill monitoring pilot project and potential benefits coming from the project;

(7) state government efforts to more efficiently purchase natural gas and electricity, including any plans to include more state facilities under the natural gas term contract and efforts to aggregate state agency electricity demand; and

(8) other recommendations to the legislature that would improve state government energy management efforts.

Section 12. Accruals analysis — 2005 biennium. The legislative fiscal division shall include an analysis of accruals for budget base year fiscal year 2002 and shall include a summary table and narrative in the Legislative Fiscal

Division 2005 Biennium Budget Analysis that provides a listing by agency of total accruals and the amount that is recommended to be removed from the base budget.

Section 13. Energy costs reserve. A total of \$3.2 million must be set aside in the general fund for contingencies related to cost increases in electricity and natural gas expenditures by state government significantly above the amounts appropriated for this purpose in [this act] or to support litigation to secure affordable electricity or natural gas. The amount is classified as unreserved, designated general fund balance.

Section 14. Totals not appropriations. The totals shown in [this act] are for informational purposes only and are not appropriations.

Section 15. Effective date. [This act] is effective July 1, 2001.

Section 16. Appropriations. The following money is appropriated for the respective fiscal years:

	General Fund	State Special Revenue	Fiscal 2002			Total	General Fund	State Special Revenue	Fiscal 2003			Total
			Federal Revenue	Proprietary	Other				Federal Revenue	Proprietary	Other	
CONSUMER COUNSEL (1112)												
1. Administration Program (01)												
	0	1,006,011	0	0	0	1,006,011	0	1,008,068	0	0	0	1,008,068
a. Caseload Contingency Fund (Restricted)												
	0	200,000	0	0	0	200,000	0	200,000	0	0	0	200,000
Total												
	0	1,206,011	0	0	0	1,206,011	0	1,208,068	0	0	0	1,208,068
JUDICIARY (2110)												
1. Supreme Court Operations (01)												
2,955,503	1,100,000	363,725	0	0	0	4,469,628	2,553,284	1,076,000	363,725	0	0	4,411,569
							2,364,709					4,335,434
a. Legislative Audit (Restricted/Biennial)												
26,757	0	0	0	0	0	26,757	0	0	0	0	0	0
b. Court-Appointed Special Advocate Program (Biennial)												
62,182	0	100,000	0	0	0	162,182	62,182	0	0	0	0	62,182
2. Boards and Commissions (02)												
244,559	0	0	0	0	0	244,559	274,901	0	0	0	0	274,901
3. Law Library (03)												
773,001	0	0	0	0	0	773,001	776,471	0	0	0	0	776,471
4. District Court Operations (04)												
4,853,964	0	0	0	0	0	4,853,964	4,877,311	0	0	0	0	4,877,311
a. SB 282 — Asbestos Court												
190,157	0	0	0	0	0	190,157	186,167	0	0	0	0	186,167
b. District Court Judges for Ravalli and Cascade Counties												
0	0	0	0	0	0	0	123,000	0	0	0	0	123,000
							273,239					273,239

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
c. Startup Costs for New Judgeships (OTO)	0	0	0	0	0	0
d. State Assumption of District Courts (Restricted Biennial)	800,500	0	0	800,500	0	0
5. Water Courts Supervision (05)	0	569,691	0	0	569,691	0
6. Clerk of Court (06)	288,419	0	0	0	0	0
a. Equipment (OTO)	3,500	0	0	0	0	0
Total	1,088,919	569,691	0	1,088,919	569,691	0

Item 1 includes a reduction in fiscal year 2003 of \$12,176 in general fund money and represents the equivalent of 2.9% of office supplies expenditures funded with general fund money in fiscal year 2002. The agency may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.

Item 1 includes a reduction of \$96,367 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the judiciary. The judiciary may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 4a contains general fund money for an asbestos court. If federal funds are received for the purpose of funding a court to manage asbestos cases, the general fund appropriation in item 4a is reduced by a like amount.

Item 4b is contingent upon passage and approval of House Bill No. 214.

Item 4c is contingent upon passage and approval of House Bill No. 124.

MONTANA CHIROPRACTIC LEGAL PANEL (2115)

1. Legal Panel Operations (01)	0	15,000	0	0	15,000	0
	0	15,000	0	0	15,000	0

Fiscal 2002						Fiscal 2003					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Total											
0	15000	0	0	0	15000	0	15000	0	0	0	15000
GOVERNOR'S OFFICE (3101)											
1. Executive Office Program (01)											
1,234,434	286,634	23,605	0	0	1,550,673	4,437,063	267,333	30,104	0	0	4,734,500
						1,774,551					1,774,551
a. Legislative Audit (Restricted Biennial)											
24,315	0	0	0	0	24,315	0	0	0	0	0	0
b. Extradition and Transportation of Prisoners											
177,734	0	0	0	0	177,734	173,935	0	0	0	0	173,935
c. Consensus Council Matching Funds for Grants (Biennial/OTO)											
15,000	0	0	0	0	15,000	45,000	0	0	0	0	45,000
						57,300					57,300
d. Flathead Basin Commission — Flathead Valley Ground Water Quality Assessment (OTO)											
0	0	99,992	0	0	99,992	0	0	0	0	0	0
e. Office of Economic Development											
380,000	0	0	0	0	380,000	850,000	0	0	0	0	850,000
2. Mansion Maintenance Program (02)											
78,862	0	0	0	0	78,862	73,035	0	0	0	0	73,035
3. Air Transportation Program (03)											
175,409	16,000	0	0	0	191,409	176,700	16,000	0	0	0	192,700
4. Office of Budget and Program Planning (04)											
1,087,033	0	0	0	0	1,087,033	1,081,012	0	0	0	0	1,081,012
a. Legislative Audit (Restricted Biennial)											
22,865	0	0	0	0	22,865	0	0	0	0	0	0
b. Video Projector and Computer (OTO)											

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
5600	0	0	0	0	0	0
c. Energy Cost Contingency Account (Restricted Biennial FTO)						
0	838,151	387,533	0	0	0	0
5. Indian Affairs (05)						
112,504	0	0	0	112,504	0	0
a. Carryover Funds (Restricted)						
0	150,000	2,000,000	0	2,150,000	0	0
5. Lieutenant Governor (12)						
223,314	0	0	0	223,314	0	0
c. Citizens' Advocate Office (16)						
653,74	0	15,000	0	80,374	0	15,000
8. Mental Disabilities Board of Visitors (20)						
200,559	7,300	0	0	197,573	7,300	0
Total	4,332,643	1,336,655	2,531,130	8,193,308	310,633	45,104
				4,423,317	0	0
				4,716,625		4,555,777

General fund money up to \$51,000 for the 2003 biennium in item 1b not used for the extradition and transportation of prisoners may be used to purchase vans for county sheriffs and peace officers to transport prisoners.

The legislature recognizes that the cost for extradition and transportation of prisoners is dependent upon factors beyond the control of the agency and may exceed the appropriation provided. In that event, the agency will need to request a supplemental appropriation from the 2003 legislature to provide required extradition and transportation of prisoners.

Item 1 includes a reduction in fiscal year 2003 of \$18,966 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The governor's office may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.

Item 1 includes a reduction of \$42,777 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the governor's office. The governor's office may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

General Fund	State Special Revenue	Fiscal 2002			Total	General Fund	State Special Revenue	Fiscal 2003			Total
		Federal Revenue	Proprietary	Other				Federal Revenue	Proprietary	Other	

Item 1b and the accompanying language are contingent upon passage and approval of Senate Bill No. 328.

If Senate Bill No. 445 is not passed and approved, the appropriation in item 1c is void and the appropriation in item 4c is increased by \$1,700,000 in general fund money in fiscal year 2002.

Item 4c is a contingency account to be managed by the office of budget and program planning to respond to contingencies related to cost increases in electricity and natural gas expenditures by state government significantly above the amounts appropriated in [this act]. Requests for use of this account must be analyzed by the office of budget and program planning and approved by the governor. Distribution of this money to state agencies must be proportional to the overall needs of state agencies relative to the total funds available. Approved expenditures must be reported to the legislative finance committee.

Item 5a is contingent upon passage and approval of House Bill No. 21. Funds in item 5a for the 2003 biennium are limited to the unspent balance of the 2001 appropriation of up to \$150,000 in state special revenue and \$2 million in federal special revenue.

COMMISSIONER OF POLITICAL PRACTICES (3202)

1. Administration (01)

345.38	0	0	0	0	345.38	345.38	0	0	0	0	345.38
						340.44					340.44

a. Legislative Audit (Restricted Biennial)

4.965	0	0	0	0	4.965	0	0	0	0	0	0
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Total											
350.35	0	0	0	0	350.35	345.38	0	0	0	0	345.38
						340.44					340.44

Item 1 includes a reduction in general fund money of \$571 in fiscal year 2002 and \$571 in fiscal year 2003. This reduction is the equivalent of a 25% reduction in fiscal year 2000 base budget tax expenditures.

Item 1 includes a reduction in fiscal year 2003 of \$3,270 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002.

Item 1 includes a reduction of \$3,469 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the office.

		Fiscal 2002				Fiscal 2003					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Item 3 includes a reduction of \$9,149 in fiscal year 2002 and \$9,181 in fiscal year 2003 of general fund money. The office may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year. Item 3 includes a reduction in general fund money of \$2,890 in fiscal year 2002 and \$2,890 in fiscal year 2003. This reduction is the equivalent of a 10% reduction in fiscal year 2000 base budget travel expenses. The office may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. Item 3 includes a reduction in fiscal year 2003 of \$1,153 in general fund money and represents the equivalent of 0.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The office of the state auditor may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans. Item 3 includes a reduction of \$9,369 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the office of the state auditor. The office of the state auditor may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans. Item 3 includes a reduction in fiscal year 2003 of \$11,795 in general fund money and represents the reduction ordered by the governor pursuant to 17-1-140.											
DEPARTMENT OF TRANSPORTATION (5401)											
1. General Operations Program (01)											
0	16,468,594	1,249,711	0	0	17,718,305	0	16,535,844	1,183,602	0	0	17,720,446
a. Legislative Audit (Restricted Biennial)											
0	109,461	0	0	0	109,461	0	0	0	0	0	0
b. General Operations One-Time Costs (OTO)											
0	457,500	0	0	0	457,500	0	200,000	0	0	0	200,000
2. Construction Program (02) (Biennial)											
0	71,581,203	296,888,368	0	0	368,469,571	0	74,294,575	30,567,170	0	0	368,469,571
a. Construction Program One-Time Costs (OTO)											
0	53,000	120,000	0	0	173,000	0	0	0	0	0	0
3. Maintenance Program (03) (Biennial)											
0	75,870,413	50,906,009	0	0	126,776,422	0	76,230,890	50,906,009	0	0	127,136,899
a. Maintenance Program One-Time Costs (OTO)											

	Fiscal 2002					Fiscal 2003						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
0		167,700	0	0	0	167,700	0	0	0	0	0	0
4. Motor Carrier Services Division (22)												
0		4,971,167	0	0	0	4,971,167	0	4,994,990	0	0	0	4,994,990
a. Mobile Officer Vehicle Enforcement Computers (OTO)												
0		6,300	0	0	0	6,300	0	0	0	0	0	0
5. Aeronautics Program (40)												
0		762,611	112,500	0	0	885,111	0	767,094	85,500	0	0	852,594
a. Airport Development Grants (Biennial)												
0		750,000	0	0	0	750,000	0	0	0	0	0	0
b. Airport Pavement Preservation Grants (Biennial)												
0		350,000	0	0	0	350,000	0	0	0	0	0	0
c. Federal Airport Improvement Grants (Biennial)												
0		16,667	300,000	0	0	316,667	0	0	0	0	0	0
6. Transportation Planning Division (50)												
0		2,121,160	10,719,635	0	0	12,840,795	0	1,934,315	13,166,607	0	0	15,102,932
a. Software and Field Data Collection (Biennial OTO)												
0		50,000	240,000	0	0	300,000	0	0	0	0	0	0
b. Statewide Truck Activity Reporting System (OTO)												
0		173,213	573,068	0	0	746,280	0	116,313	331,544	0	0	447,857
c. Transportation of Seniors and Persons With Disabilities												
0		171,093	0	0	0	171,093	0	947,318	0	0	0	947,318
Total												
0		17,359,520	314,393,931	0	0	488,323,851	0	1,754,123,319	35,781,556	0	0	501,200,885

The department may adjust appropriations in the construction, maintenance, and transportation planning programs between state special and federal special revenue fund types if the total state special revenue authority for these programs is not increased by more than 10% of the total appropriations established by the legislature for each program. All transfers between fund types must be fully explained and justified by budget documents submitted to the office of budget and program planning, and all fund transfers of more than \$1 million in any 30-day period must be communicated to the legislative finance committee in a written report.

Fiscal 2001					Fiscal 2002				
General Fund	State Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Proprietary	Other	Total
All federal special revenue appropriations in the department are biennial.									
Item 2 includes a total of \$636,90 for the 2003 biennium for the Montana natural resources information system. Quarterly payments must be made upon receipt of the bills from the state library, up to the total amount appropriated.									
All appropriations in the construction program are biennial.									
All appropriations in the maintenance program are biennial.									
Item 5 includes \$4,000 of state special revenue in fiscal year 2002 and \$4,000 of state special revenue in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 430.									
Item 6a includes \$300,000 of state special revenue in fiscal year 2002 that is contingent upon passage and approval of Senate Bill No. 280.									
All appropriations in the transportation planning program are biennial.									
Item 6c is contingent upon passage and approval of Senate Bill No. 448.									
DEPARTMENT OF REVENUE (5901)									
1. Director's Office (01)									
2,315,633	300	800	30,058	0	2,346,050	2,346,050	0	0	2,346,050
a. Legislative Audit (Restricted Biennial)									
131,353	0	0	0	0	131,353	131,353	0	0	131,353
b. SB 542 - Impose Electrical Energy Excess Revenue Tax (Restricted)									
129,357	0	0	0	0	129,357	129,357	0	0	129,357
c. SB 542 - Legal and Litigation Expenses (Restricted Biennial)									
140,000	0	0	0	0	140,000	140,000	0	0	140,000
d. SB 542 - Personal Computers and Computer Equipment (Restricted CTO)									
10,000	0	0	0	0	10,000	10,000	0	0	10,000
2. Information Technology (02)									

	Fiscal 2002					Fiscal 2003						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
3.154.374		0	183,941	70,370	0	2,413,635	2,361,382	0	194,682	11,666	0	2,567,730
3. Resource Management (05)												
1.498.151		0	0	1,035,894	0	2,154,345	1,185,582	0	0	1,050,050	0	2,235,632
4. Customer Service and Information Practices (06)												
3.715,801	228,644	1,032,135	749,075	0	0	5,725,855	3,435,041	232,754	1,042,210	739,881	0	5,449,886
							3,979,399					3,979,399
a. Unclaimed Property Auditor (OTO)												
0	43,931	0	0	0	0	43,931	0	44,098	0	0	0	44,098
5. Compliance Valuation and Resolution (03)												
1,770,137	136,036	1,079,011	0	0	0	19,975,344	17,490,775	186,433	1,130,535	0	0	19,107,743
							12,467,399					12,467,399
a. Salary Upgrades for Auditors (Biennial)												
208,144	0	0	0	0	0	208,144	0	0	0	0	0	0
b. SB 512—Impose Electrical Energy Excess Revenue Tax (Restricted)												
193,730	0	0	0	0	0	193,730	195,945	0	0	0	0	195,945
c. SB 512—Personal Computers (Restricted-OTO)												
6,000	0	0	0	0	0	6,000	0	0	0	0	0	0
Total												
29,826,519	459,171	2,300,967	1,935,057	0	0	32,491,634	27,463,382	463,335	2,367,397	1,939,360	0	32,756,224
27,734,447						5,429,447	5,979,167					59,016,099

Item 1 includes a reduction of \$64,200 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 operating plans.

Item 1 includes a reduction of \$276,423 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 operating plans.

Item 1 includes a reduction of \$276,423 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 operating plans.

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue

Item 1b-1c-1d-5b and 5c are contingent upon passage and approval of Senate Bill No. 512.

Item 1. 4. and 5 include increases totaling \$813,754 in general fund money in fiscal year 2003 to fund 13.3 FTE compliance staff and to eliminate vacancy savings associated with 6 FTE existing compliance positions.

Item 4 includes a reduction of \$558,000 in general fund money in fiscal year 2002 and \$558,000 in fiscal year 2003 and an increase in proprietary funds of \$514,100 in fiscal year 2002 and \$514,100 in fiscal year 2003. These reductions and increases are contingent upon passage and approval of House Bill No. 389.

Item 5 includes a reduction in general fund money of \$15,066 in fiscal year 2002 and \$15,066 in fiscal year 2003. This reduction is the equivalent of a 3% reduction in fiscal year 2000 budget expenditures. The department may request this reduction in funding among divisions when developing 2003 biennial operating plans.

Item 5 includes reductions of \$54,934,392 of general fund money in fiscal year 2002 and of \$54,934,392 of general fund money in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 124.

Item 5 includes a reduction in fiscal year 2003 of \$40,545 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may allocate this reduction in funding among programs when developing fiscal year 2003 operating plans.

The department shall provide status reports on the POINTS system to the revenue and taxation interim committee at each regularly scheduled committee meeting. The status reports must include work plan benchmark updates, progress on firing mission-critical and nonmission-critical defects, and the status of implementing and operating all phases of the system.

DEPARTMENT OF ADMINISTRATION (6101)

1. Accounting and Management Support Program (03)

1.070.018	5057	64,315	41,053	0	1,180,443	4,666,779	5,057	63,451	41,334	0	4,466,611	2,276,990
						1,027,249						
a. Legislative Audit (Restricted Biennial)												
63.571	0	0	0	0	53,571	0	0	0	0	0	0	0
b. Actuarial Study — Police Retirement Fund (Restricted Biennial)												
2.480	0	0	0	0	2,480	0	0	0	0	0	0	0
c. Accounting Bureau Contracted Services (Biennial OTC)												
100.000	0	0	0	0	100,000	0	0	0	0	0	0	0

	Fiscal 2002				Fiscal 2003			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue
d. Special Purpose District Reports								
0	0	0	0	0	0	0	28,446	0
e. Local Government Services Division								
422,304	0	0	0	0	0	422,304	423,300	0
f. Consumer Affairs Division								
266,248	74,806	0	0	0	0	340,753	366,117	74,803
g. Telemarketing/ Lemon Law Programs Fund Switch (Restricted OTO)								
66,384	0	0	0	0	0	66,384	66,384	0
2. Architecture and Engineering Program (04)								
0	1,137,916	0	0	0	0	1,137,916	0	1,147,932
a. Legislative Audit (Restricted Biennial)								
0	1,635	0	0	0	0	1,635	0	0
3. Procurement and Printing Division (06)								
615,947	0	0	0	0	0	615,947	618,826	0
4. Information Services Division (07)								
127,653	0	800,000	0	0	0	927,653	126,668	0
a. Legislative Audit (Restricted Biennial)								
794	0	0	0	0	0	794	0	0
5. General Services Program (08)								
324,409	0	0	0	0	9,930,65	1,327,464	401,432	0
6. Banking and Financial Division (14)								
0	1,435,063	0	0	0	0	1,435,063	0	1,450,815
a. Legislative Audit (Restricted Biennial)								
0	2,621	0	0	0	0	2,621	0	0
7. Montana State Lottery (15)								
0	0	0	8,574,666	0	0	8,574,666	0	0
a. Legislative Audit (Restricted Biennial)								
0	0	0	8,504,389	0	0	8,504,389	0	0
			8,574,650			8,574,650		

	Fiscal 2002					Fiscal 2003						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
0	0	0	0	8,365	0	8,365	0	0	0	0	0	0
b. Online Terminals (OTO)												
0	0	0	0	345,000	0	345,000	0	0	0	0	0	0
8. State Personnel Division (23)												
1,032,385	26,600	0	0	1,118,989	1,035,102	2,148,989	27,400	0	0	0	0	1,122,802
9. State Tax Appeal Board (37)												
2,735,323	0	0	0	2,735,323	2,752,321	5,487,644	0	0	0	0	0	2,752,321
Total												
4,375,600	2,733,897	864,315	8,968,974	9,330,855	17,875,441	43,681,822	2,745,707	63,451	8,946,584	9,330,855	16,584,549	
						4,209,667			8,778,864		16,776,475	

For the data network rate, all increases over a rate of \$54.59 are one time only. The executive must use \$54.59 as the base level and justify all increases requested for the 2005 biennium over this level.

Item 1 includes a reduction in fiscal year 2003 of \$11,794 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.

Item 1 includes a reduction in general fund money of \$4,122 in fiscal year 2002 and \$4,122 in fiscal year 2003. This reduction is the equivalent of an 8% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 1 includes a reduction of \$4,049 in fiscal year 2003 of general fund money. This reduction is the equivalent of a .66% reduction in the fiscal year 2003 budget for equipment expenses. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 1 includes a reduction of \$42,678 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the agency. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 1e. 1f. 1g. 6a. 7. 7a. and 7b and \$1,519 of general fund money in fiscal year 2002 in item 1a are contingent upon passage and approval of Senate Bill No. 445.

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue

The department is appropriated in each of the fiscal years 2002 and 2003 up to \$500,000 of state special revenue that is deposited in the account established for the purpose of processing charter applications and for the chartering, examination, and regulation of each foreign capital depository that obtains a charter under the provisions of 32-8-205.

The department is appropriated up to \$55,354 in state special revenue authority in each year of the biennium for operations within the telemarketing and lemon law programs and shall seek and use state special revenue received from consumer affairs settlements authorized by a district court order to offset and minimize use of the general fund money within the telemarketing and lemon law programs as provided in 17-2-108.

The department shall report to the 2003 legislature on the status and results related to the purchase and placement of additional online terminals funded in item 7b.

Item 8 includes a reduction of \$21,490 in fiscal year 2002 and \$21,554 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

APPellate DEFENDER COMMISSION (6102)

1. Appellate Defender (01)						
0	177,634	0	0	0	0	0

Total						
0	177,634	0	0	0	0	0

Item 1 includes an increase of \$178,901 of general fund money in fiscal year 2003 and a reduction of \$178,901 of state special revenue in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 124.

Item 1 includes a reduction in fiscal year 2003 of \$637 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002.

Item 1 includes a reduction of \$1,789 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the commission.

TOTAL SECTION A

		<u>Fiscal 2002</u>			<u>Fiscal 2003</u>						
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
556B-125	187,377.954	31,114.968	10,904.031	9330.05	556,009.153	54,482.124	186,935.860	318,630.743	10,847.814	9330.05	581,580.124
88,167,045				878,887,076		84,477,901			10,627,314		881,580,873

	Fiscal 2002						Fiscal 2003					
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
	0	0	3464.551	0	0	3464.551	0	0	0	0	0	0
			700.000			700.000						
m. FAIRM II R — Transportation (Biennial)												
0	0	791.899	0	0	791.899		0	0	0	0	0	0
n. FAIRM II R — Additional Month Grant for Working Families (Biennial)												
0	0	1238.979	0	0	1238.979		0	1204.570	0	0	0	1204.570
o. FAIRM II R — Emergency Supportive Services for Working Families (Biennial)												
0	0	1025.510	0	0	1025.510		0	2742.09	0	0	0	2742.09
p. FAIRM II R — School Breakfast Program (Biennial)												
0	0	178.178	0	0	178.178		0	0	0	0	0	0
q. FAIRM II R — Individual Development Accounts (Biennial)												
0	0	138.742	0	0	138.742		0	1359.85	0	0	0	1359.85
r. FAIRM II R — Children's Scholars (Head Start) (Biennial)												
0	0	1979.874	0	0	1979.874		0	0	0	0	0	0
s. FAIRM II R — TEAMS Reprovement Enhancements (Biennial)												
0	0	989.875	0	0	989.875		0	485.107	0	0	0	485.107
t. High-Wage, High-Skill Training (Restricted Biennial)												
0	0	494.937	0	0	494.937		0	485.108	0	0	0	485.108
u. Adult Basic Education (Restricted)												
0	0	195.000	0	0	195.000		0	195.000	0	0	0	195.000
v. Children's Trust Fund (Biennial)												
0	0	250.000	0	0	250.000		0	250.000	0	0	0	250.000
w. TANF Plus Performance Bonus (Restricted)												
0	0	0	0	0	0		0	2276.700	0	0	0	2276.700
2. Child and Family Services Division (03)												
2039215	1269.564	23364.881	0	0	45554.050	21581.204	1335.670	24105.035	0	0	0	45565.210
x. Computer Hardware (OTO)												
49800	0	382.00	0	0	382.000	123.504	0	92.385	0	0	0	205.840

	Fiscal 2002					Fiscal 2003						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
b. Community Collaboration Project and FTE (Biennial OTO)	25000	0	3025000	0	0	3050000	25000	0	25000	0	0	50000
c. Big Brothers Big Sisters (OTO)	25000	0	0	0	0	25000	25000	0	0	0	0	25000
d. In-Home Services (Restricted)	100000	0	0	0	0	100000	0	0	0	0	0	0
3. Director's Office (04)	1,134,318	1,138,077	1,735,992	0	0	4,068,387	1,141,783	1,218,907	1,132,431	0	0	4,134,111
a. Deputy Director (Restricted)	37000	15,750	47250	0	0	100000	37000	15,750	47250	0	0	100000
4. Child Support Enforcement Division (05)	235000	2,738,322	6242500	0	0	9,265,822	235000	2,812,509	6,371,998	0	0	9,309,507
a. Voice Response Unit Enhancements (OTO)	0	10200	19500	0	0	30000	0	0	0	0	0	0
b. SEARCHS—Level of Effort Increase (Biennial OTO)	0	209,104	405908	0	0	615012	0	0	0	0	0	0
c. Financial Institutions Data Match (Restricted)	0	51000	99000	0	0	150000	0	51000	99000	0	0	150000
d. Cost Study—Raising a Child in Montana (Restricted OTO)	0	8631	113793	0	0	123414	0	0	0	0	0	0
5. Health Policy and Services Division (07)	63683731	7,138,743	233165988	0	0	304,038,467	68,017,593	7,750,885	248,235,170	0	0	354,034,748
a. Assistance to Montanans Exposed to Asbestos (Restricted OTO)	18500	0	0	0	0	18500	18500	0	0	0	0	18500
b. Medicaid Provider Rate Increases (RBRVS)	25254	0	673614	0	0	931138	506681	0	1,371,305	0	0	1,877,986
c. Cardiovascular Grant	0	0	260902	0	0	260902	0	0	237768	0	0	237768

Fiscal 2002						Fiscal 2003					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
d. Fiber Optic Rural TeleHealth Equipment (Restricted Biennial (OTO))											
200,000	0	0	0	0	200,000	0	0	0	0	0	0
e. HIV/AIDS Treatment and Coverage (Restricted Biennial)											
84,010	0	0	0	0	84,010	0	0	0	0	0	0
6. Quality Assurance Division (OS)											
2,006,639	219,632	4,917,197	0	0	7,123,468	2,025,415	209,982	4,980,608	0	0	7,236,005
a. Contracted Insurance Services (OTO)											
55,737	0	0	0	0	55,737	55,962	0	0	0	0	55,962
7. Operations and Technology Division (OD)											
11,947,755	1,590,262	15,281,424	0	0	28,849,431	11,202,859	2,111,463	16,323,740	0	0	29,648,062
a. Legislative Audit (Restricted Biennial)											
152,465	37,800	151,200	0	0	341,465	0	0	0	0	0	0
8. Disability Services Division (10)											
42,100,436	97,354	534,175,447	0	0	956,154,037	42,214,045	94,354	53,723,089	0	0	96,038,499
a. Developmental Disabilities Program Federal Funds (Biennial)											
0	0	4,000,000	0	0	4,000,000	0	0	0	0	0	0
b. Movement From Institutions to Community Settings (OTO)											
1,400,277	0	0	0	0	1,400,277	1,400,224	0	0	0	0	1,400,224
c. Direct Care Worker Wage Parity (Restricted)											
1,551,313	0	1,495,488	0	0	3,046,801	2,445,300	0	2,354,721	0	0	4,800,021
9. Senior and Long-Term Care Division (22)											
440,357,594	6,265,504	135,555,053	0	0	185,967,351	45,515,083	7,142,437	142,344,588	0	0	194,962,108
a. One-Time Payments to Nursing Homes for Medicaid Services											
0	1,350,000	352,787,676	0	0	4,977,876	0	1,615,000	4,397,980	0	0	6,012,980
b. Nursing Home and Community Services Improvements (OTO)											
0	152,720	4,577,250	0	0	600,000	0	151,850	495,120	0	0	600,000

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
0	0	0	0	0	0	248,556
k. <i>Maintain Lower Medicaid Copayments</i>	0	0	0	0	0	510,000
Total	362,968,769	38,961,811	13,828,848	0	0	415,759,428

The department shall provide the following information by program to the children, families, health, and human services interim committee and to the legislative finance committee by August 1, 2002:

- (1) rates paid by each program for comparable services; and
 - (2) entry level and average hourly wage and benefit rates paid by community providers for direct care workers and group home employees.
- The information must specify how the data was gathered and whether and how the department verified the data and must be presented to allow evaluation among comparable services and jobs.

Funds appropriated for grants or benefits and claims or indicated in legislative intent as having been appropriated for grants or benefits and claims may be expended only if grants or benefits and claims. The office of budget and program planning may authorize a transfer of appropriation authority from grants or benefits and claims to another category of expenditure under one of the following conditions:

- (1) the department certifies to the office of budget and program planning that federal law or regulation requires that funds appropriated in grants or benefits and claims must be expended in a different category of expenditure; or
- (2) the department certifies to the office of budget and program planning that there will be savings if funds appropriated in grants or benefits and claims are transferred and expended in another category of expenditure.

The office of budget and program planning shall report to the legislative finance committee on transfers approved subject to these two conditions.

The department shall report to the legislative finance committee and the children, families, health, and human services interim committee at every meeting of each committee:

- (1) the actual amount of federal temporary assistance for needy families (TANF) block grant funds expended in the current biennium;

General Fund	State Special Revenue	Fiscal 2002			Total	General Fund	State Special Revenue	Fiscal 2003			Other	Total
		Federal Special Revenue	Proprietary	Proprietary				Federal Special Revenue	Proprietary	Proprietary		

- (2) the actual amount of TANF block grant maintenance of effort funds that have been expended in the current biennium;
- (3) the balance of previous fiscal years' TANF block grant funds that remain unexpended; and
- (4) the balance of the current fiscal year federal TANF block grant funds that remain unexpended.

The department shall use unexpended previous year federal TANF block grant funds to provide benefits and services that meet the federal definition of assistance. Current year federal TANF block grant funds must be used to fund benefits and services that meet the federal definition of assistance only after all available previous year's federal TANF block grant funds have been expended.

The office of budget and program planning may proportionally reduce the funding in items 1a through 1h, items 1m through 1t, and item 1v if any of the following conditions exist:

- (1) the department certifies to the office of budget and program planning that the balance of unexpended TANF funds on June 30, 2001, is less than \$30 million;
- (2) actual or projected cash assistance expenditures are greater than \$24,067,328 in fiscal year 2002 or \$23,763,354 in fiscal year 2003;
- (3) the amount of TANF grant funds awarded to Montana by congress is reduced below the level anticipated by the legislature; or
- (4) the department certifies to the office of budget and program planning that the reduction is necessary in order to maintain public assistance programs that were supported by federal TANF and state TANF maintenance of effort funds in fiscal year 2001.

If the TANF block grant funds report given at the March 2002 legislative finance committee meeting indicates that there are TANF phase II R dollars unexpended and no plan is in place to expend the remaining dollars, there is appropriated up to \$1.5 million of these unexpended funds for the summer youth employment program in the 2003 biennium.

Item 1 includes increases of \$3,852,983 of general fund money in fiscal year 2002 and of \$4,006,121 of general fund money in fiscal year 2003 and reductions of \$3,356,606 of state special revenue in fiscal year 2002 and of \$3,376,167 of state special revenue in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 124.

Funds in item 1 include \$68,422 in fiscal year 2002 and \$69,606 in fiscal year 2003 that the department shall use to reimburse the Montana department of corrections, Montana correctional enterprises, for costs incurred to operate the Montana food bank network canning and wild game processing facility.

Fiscal 2002				Fiscal 2003			
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue
							Federal Special Revenue
							Proprietary
							Other
							Total

Funds included in items 1b and 1e may be used only to fund tribal projects and to provide nontraditional job training to an enrolled tribal member of a federally recognized tribe whose reservation lies within the exterior boundaries of the Montana reservation and to the Little Shell band of Chippewa if the Little Shell band of Chippewa becomes a federally recognized tribe.

Funds in item 1b may be used to fund head start services for tribal members. Tribal members may not access services supported by funds in item 1b because use of funding for tribal head start projects has been included in item 1b.

The department shall transfer funds in item 1l to the Montana board of housing revolving loan account to fund eligible activities under the federal TANF block grant. The timing and amount of the transfer must comply with federal regulations governing the expenditure and transfer of TANF funds.

Funds included in item 1t may be used only to develop programs for high wage and high skill training for single parents, persons who are economically disadvantaged, and displaced homemakers.

Funds included in item 1u may be used only to provide a adult basic education services.

The department shall transfer funds in item 1v to the children's trust fund to fund eligible child abuse and neglect prevention activities.

Projects funded in items 1s, 1d, 1f, 1g, 1h, 1i, 1j, 1k, 1l, 1m, 1n, 1o, 1p, 1q, 1r, 1s, 1t, and 1u are considered approved special projects related to welfare reform for the purpose of implementation of 53-4-210. Prior to the expenditure of these funds, the department shall provide notice both verbally and in writing to tribes that have implemented a federally approved tribal family assistance plan that funding for special projects is available. Tribes that operate a tribal family assistance plan may receive the funds in these items, and the department may award all or a portion of these funds to tribes that operate tribal family assistance plans as allowable within federal regulations.

Funds included in item 1w may be used only to provide TANF WAC contracts and supportive services and child-care services.

Item 2 includes increases of \$2,206,194 of general fund money in fiscal year 2002 and of \$2,241,893 of general fund money in fiscal year 2003 and reductions of \$2,172,078 of state special revenue in fiscal year 2002 and of \$2,135,314 of state special revenue in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 124.

Funds in item 2d may be used only to support the costs of in-home services for families in the child welfare system. The department estimates that 25 families or 50 children will be served with this funding and that 80% of the families served will not enter the foster care system. If the department achieves this goal, the estimated increase in the foster care caseload will decrease from .9% to .2%. Any savings realized because of a lower than anticipated caseload increase may be used by the department to expand the provision of in-home services or other services within the child welfare system.

Item 3 includes \$1,482,231 in fiscal year 2002 and \$1,482,748 in fiscal year 2003 for the tobacco prevention and control program. It is the intent of the legislature that the interagency coordinating council on prevention administer the tobacco control and prevention program.

General Fund	State Special Revenue	Fiscal 2002			Total	General Fund	State Special Revenue	Fiscal 2003			Total
		Federal Special Revenue	Proprietary	Other				Federal Special Revenue	Proprietary	Other	

Item 3 includes increases of \$93,333 of general fund money in fiscal year 2002 and of \$96,915 of general fund money in fiscal year 2003 and reductions of \$90,463 of state special revenue in fiscal year 2002 and of \$91,028 of state special revenue in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 124.

Item 3 includes funding for 5 FTE above the level funded by the 2001 legislature for the purpose of establishing a departmentwide refinancing unit. The cost of the FTE and any supporting contracting efforts must be supported from anticipated savings from the refinancing of social worker case management services and the winding off federal funding in the field and family services division. The department shall report the progress of its refinancing efforts periodically to the office of budget and program planning, legislative finance committee, and the 2003 legislature.

It is the intent of the legislature that up to \$3 million of funds that the department receives because of refinancing general fund costs with federal special revenue be used to offset the across-the-board general fund reductions included in item 7.

Funds in item 3a may be used only to fund a deputy director position within the department.

Funds included in item 4c may be used only to support costs for the completion of a financial institution data match.

Funds included in item 4d may be used only to support the costs incurred to complete a study of the costs of raising a child in Montana.

Items 5, 9, and 10 include appropriations of state special revenue for provider rate increases funded from the interest income on the tobacco settlement trust fund provided for in Article XII, section 4 of the Montana constitution. If the interest income on the tobacco settlement trust fund provided for in Article XII, section 4 of the Montana constitution is insufficient to fully fund the state special revenue appropriations in items 5, 9, and 10, the legislature intends that the department find alternative funding sources to fully fund the provider rate increases. Alternative sources may include but are not limited to enhanced Medicaid intergovernmental transfer programs and transfers of general fund money from other appropriations.

Item 5 includes increases of \$6,717,000 of general fund money in fiscal year 2002 and of \$6,862,000 of general fund money in fiscal year 2003 and reductions of \$6,717,000 of state special revenue in fiscal year 2002 and of \$6,862,000 of state special revenue in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 124.

The health policy and services division is authorized to pursue up to \$1.5 million in federal special revenue each year of the biennium in item 5 to enhance or improve division services or programs to public schools. This additional federal special revenue may be expended on services by the division as long as those actions do not require or commit the state to additional general fund expenditures beyond the amount appropriated by the legislature to the division.

Item 5a must be spent on services to a select Montanans who have been exposed to a disaster. Funds in item 5a may not be expended for any other purpose.

Implementation of the resource-based relative value scale (RBRVS) provider rate system must continue to be phased in over the 2003 biennium. The department shall use funds in item 5b to raise its total paid to those current procedural terminology (CPT) codes paid the lowest percentage of Medicare reimbursement

Fiscal 2002			Fiscal 2003		
General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
Other	Proprietary	Other	Total	Proprietary	Other
Total					Total

Item 7 includes a reduction of \$542,660 in fiscal year 2002 and \$544,550 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

The department shall make every effort to achieve an unqualified opinion in the financial compliance audit issued by the legislative audit division for the 2 years ending June 30, 2003. The legislature expects the department to take action to ensure that this achievement occurs, including exempting the fiscal bureau from vacancy savings requirements exempting the fiscal bureau from reductions in staffing, establishing clear and appropriate fiscal policies and practices and any other management actions that may reasonably be expected to result in the achievement of an unqualified audit opinion.

The developmental disability program is directed to use existing general fund appropriations within the developmental disabilities program budget to finance services, if possible. General fund money made available through refinancing efforts may be used to:

- (1) reduce the developmental disability program waiting list;
- (2) improve wages paid by community providers to direct care workers;
- (3) provide a provider rate increase to community services providers; and
- (4) fund existing plans of care for individuals waiting for residential services.

The developmental disabilities program will report to the legislative fiscal division semiannually in January and July:

- (1) the amount of general fund money that was made available through refinancing efforts;
- (2) the amount, scope, and nature of services provided by funds made available through refinancing;
- (3) the number of consumers, providers, and direct care worker staff benefiting from initiatives funded through refinancing efforts; and
- (4) the amount of additional state special and federal funds obtained through refinancing efforts.

Item 8 includes a \$1,965,199 general fund decrease in fiscal year 2003 for the disability services division replaced by a like amount of employment security account state special revenue funds administered by the department of labor and industry.

Item 8c includes \$399,613 in general fund money and \$386,120 in federal funds to begin equalization of wages paid to direct care workers employed by developmental disability community providers with direct care worker wages paid to employees at Eastmont human services center and the Montana developmental center.

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue

The disability services division shall complete a report on the impact that applying income criteria to determine eligibility for developmental disabilities program services and benefits would have on individuals on the waiting list for services and the budget for the developmental disabilities program. The report must be presented to the legislative finance committee by June 30, 2002. The report to the legislative finance committee should include by age group (0-3, 4-5, 6-18, 19-21, and over 21 years of age) and by residential setting (recipient home, group home, institution, etc.):

- (1) the number of nonmedicaid-eligible recipients and the value of services, by funding source, provided to individuals and families with income at or below 200% of the federal poverty level; and
- (2) the number of nonmedicaid-eligible recipients and the value of services, by funding source, provided to individuals and families with income at or below 150% of the federal poverty level.

The fiscal year 2003 funds in items 8, 8a, and 8b may not be expended until the report has been presented to the legislative finance committee.

Included in item 8b is general fund money of \$1,400,277 in fiscal year 2002 and \$1,400,224 in fiscal year 2003. This funding is one time only. The combined population at the two institutions (Eschmont human services center and Montana developmental center) may not exceed 88 individuals at the end of the 2003 biennium. If the disability services division has a population of more than 88 individuals at the two institutions at the end of the 2003 biennium, the division shall certify that a community residential setting was not available for the individuals remaining in the two institutions.

Funds in item 9a may be used only to make one-time payments to nursing homes based on the number of Medicaid services provided. State special revenue in item 9a may be expended only after the office of budget and program planning has certified that the department has received \$2 million each year from counties participating in the intergovernmental transition program for nursing homes.

The department shall distribute funds in items 8c and 9c in a way that provides reasonable assurance that the funds are used solely for direct care wage and benefit increases. Not all providers or types of direct care workers must receive the same rate increase for the biennium. Funds appropriated in items 8c and 9c may be used only for direct care worker wage increases. Funds in items 8c and 9c may not be used to fund other programs. In the event that the department finds it necessary to institute program reductions, it is the intent of the legislature that funds in items 8c and 9c be the last items eliminated.

The senior and long-term care division is authorized to pursue up to \$2 million in federal special revenue in item 9d over the biennium to enhance or improve division services or programs. This additional federal special revenue may be expended by the division on services as long as those actions do not require or commit the state to additional general fund expenditures beyond the amount appropriated for the 2003 biennium by the legislature to the division in [this act].

Pursuant to 27-7-140, item 9e is exempt from spending reductions because of a projected general fund budget deficit.

The department shall post on the senior and long-term care division website the staffing levels provided in Montana nursing facilities.

Fiscal 2002			Fiscal 2003		
General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue

The department shall require that area agencies providing a written assessment of the need for increased funding in their nutrition program prior to expending the additional Title III of the Older Americans Act of 1965 grant funds appropriated in [this act].

The appropriation in item 10 is contingent on the department developing a management plan to:

(1) ensure that the department staff tracking the census of residential treatment of children in Montana communicate in-state service availability to appropriate staff; and

(2) negotiate or issue requests for proposals in compliance with 52-2-306 and 52-2-307 for placement of children with in-state providers in lieu of placing the child in out-of-state treatment. The department shall submit the plan to the children, families, health, and human services interim committee and the legislative finance committee by July 1, 2001.

Item 10 is contingent on the department maintaining \$3,539,842 of federal block grant contracts to state-approved chemical dependency programs for treatment and rehabilitation each year of the 2003 biennium.

Item 10 includes \$559,560 in general fund money in fiscal year 2002 and \$719,507 in fiscal year 2003 that must be used to fund mental health services for persons eligible for the mental health services plan. At least \$490,000 of these general fund appropriations must be used for grants to one or more local children's mental health provider coalitions to prevent placement of emotionally disturbed children in out-of-home services.

Item 10 must be increased by \$1 million in general fund money and must be reduced by \$1 million in state special revenue in fiscal year 2003 unless Senate Bill No. 1, August 2002 Special Session, is passed and approved in a form that:

(1) maintains at least a \$1 million distribution to state-approved chemical dependency programs to provide treatment, rehabilitation, and prevention of chemical dependency pursuant to 52-2-208; and

(2) requires the department to distribute in the same proportion as provided in 52-2-206(3)(b) at least \$730,000 of the \$1 million in funds referenced in item 1 to the state-approved chemical dependency programs.

Funds in item 10a must be used to fund services at Montana state hospital and for staff and utilization review activities to reduce the use of institutional services. Any funds not spent for staff and utilization review activities must be used to fund community services, which will reduce the need for inpatient and institutional care. The funds may not be used for any other purpose.

Funds in item 10b must be used to fund mental health services for low-income children. Funds in item 10b may not be used for any other purpose or transferred to any other program.

Funds in item 10d must be used to contract with the Montana consensus council.

General Fund	State Special Revenue	Fiscal 2002			Total	Fiscal 2003			Other	Total
		Federal Special Revenue	Proprietary	Other		Federal Special Revenue	Proprietary	Other		

Funds in item 10e must be used to pay one-time increases in reimbursement for services provided in frontier counties by county-funded mental health Medicaid service providers.

Item 10f includes \$25,000 in contracted services in fiscal year 2003 funded equally from state special revenue and federal special revenue.

Funds in item 10g must be used for:

- (1) activities related to training and educating law enforcement personnel, judicial personnel, and persons instrumental to the commitment process in recognizing serious mental illness and appropriate approaches to and treatment for persons who exhibit symptoms of mental illness; and
- (2) development of screening tools to help identify whether a person may be mentally ill.

Item 10j is contingent upon passage and approval of Senate Bill No. 26, August 2002 Special Session.

Item 10k is contingent upon passage and approval of Senate Bill No. 26, August 2002 Special Session.

TOTAL SECTION B										
267,968,769	38,903,811	77,333,538	0	0	1,015,719,464	243,103,341	31,569,488	433,844,386	0	1,032,110,485
		77,107,537			1,027,844,903	268,470,277	36,136,695	754,871,086		1,059,378,066

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Proprietary	Other	Total	Total
C. NATURAL RESOURCES AND COMMERCE						
DEPARTMENT OF FISH, WILDLIFE, AND PARKS (5201)						
1. Administration and Finance Division (01)						
0 5683118 1199741 0 0 6882859 0 5715736 1196547 0 0 6912473						
a. Legislative Audit (Restricted Biennial)						
0 63008 10946 0 0 72974 0 0 0 0 0 0						
b. Legislative Contract Authority (Restricted OTO)						
0 0 75000 0 0 75000 0 0 75000 0 0 15000						
2. Field Services Division (02)						
0 6601552 724700 0 0 7326262 0 6551474 729488 0 0 7380562						
a. Public Wildlife Interface (Biennial)						
0 65000 0 0 0 65000 0 0 0 0 0 0						
b. Legislative Contract Authority (Restricted OTO)						
0 0 60000 0 0 60000 0 0 60000 0 0 60000						
c. SB 285 — Revise Conservation License Laws (OTO)						
0 0 0 0 0 0 0 802000 0 0 0 802000						
3. Fisheries Division (03)						
0 3314986 3785792 0 0 7101778 0 3338044 3699927 0 0 7137971						
a. Fishing Access Assistance (Restricted OTO)						
0 50000 0 0 0 50000 0 50000 0 0 50000						
b. Recreation Conflict Coordinator (OTO)						
0 15674 37039 0 0 52713 0 15674 37039 0 0 52713						
c. Legislative Contract Authority (Restricted OTO)						
0 0 1851019 0 0 1851019 0 0 1851019 0 0 1851019						
d. Echo Lake Fish Planting (OTO)						
0 71800 321500 0 0 390300 0 71800 321500 0 0 390300						
4. Law Enforcement Division (04)						

	Fiscal 2002					Fiscal 2003						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
0	5993.160	277.002	0	0	0	6360.162	0	6057.818	2801.80	0	0	6359.568
a. Alternative Livestock Environmental Review (Biennial OTO)	0	96.000	0	0	0	96.000	0	0	0	0	0	0
b. Legislative Contract Authority (Restricted OTO)	0	10.000	0	0	0	10.000	0	0	10.000	0	0	10.000
c. HB 419 — Create Natural Resources Enforcement Program in Attorney General's Office	0	41.600	0	0	0	41.600	0	41.600	0	0	0	41.600
5. Wildlife Division (05)	0	3641.942	343.152	0	0	3985.094	0	3652.843	2434.308	0	0	3987.151
a. Mountain Lion Research (Restricted OTO)	0	38.992	116.978	0	0	155.970	0	38.992	116.978	0	0	155.970
b. Black Bear Research (OTO)	0	14.830	44.490	0	0	59.320	0	14.830	44.490	0	0	59.320
c. Sage Grouse Monitoring (OTO)	0	22.800	67.600	0	0	90.400	0	22.800	67.600	0	0	90.400
d. Legislative Contract Authority (Restricted OTO)	0	0	533.798	0	0	533.798	0	0	533.798	0	0	533.798
6. Parks Division (06)	2792.85	4618.565	244.914	0	0	5043.169	2592.85	4654.568	244.856	0	0	5062.119
							274.929					5064.795
a. Motorboat Site Maintenance (Restricted)	0	11.000	40.000	0	0	51.000	0	11.000	40.000	0	0	51.000
b. Snowmobile Equipment (Biennial)	0	298.000	0	0	0	298.000	0	0	0	0	0	0
c. Continue Chief Plenty Coups (Restricted Biennial OTO)	0	214.155	0	0	0	214.155	0	0	0	0	0	0
d. Legislative Contract Authority (Restricted OTO)	0	0	10.000	0	0	10.000	0	0	10.000	0	0	10.000

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
7. Conservation Education Division (08)						
2.562 1,699,295 499,461 0 0 2,201,338				2,562	1,711,770	499,461
a. Aquatic Education Family Fishing (Restricted)						
0 0 200,000 0 0 200,000				0	0	200,000
b. Shooting Range Grants (Biennial)						
0 120,000 0 0 0 120,000				0	0	0
c. Shooting Range Grants Enhancement (Biennial OTO)						
0 60,000 0 0 0 60,000				0	0	0
d. Legislative Contract Authority (Restricted OTO)						
0 0 35,000 0 0 35,000				0	0	35,000
8. Department Management (09)						
0 2,526,320 862,159 0 0 3,468,579				0	2,526,320	862,159
a. Office Maintenance and Small Equipment (Restricted OTO)						
0 25,000 0 0 0 25,000				0	25,000	0
b. Cadastre Database (Restricted)						
0 9,000 0 0 0 9,000				0	9,000	0
c. Native Species Conservation (Restricted OTO)						
0 511,427 0 0 0 511,427				0	0	511,427
d. Hunting and Fishing License Research (Restricted OTO)						
0 15,000 0 0 0 15,000				0	10,000	0
e. Legislative Contract Authority (Restricted OTO)						
0 0 200,000 0 0 200,000				0	0	200,000
Total						
281,818 35,195,931 14,919,108 0 0 50,304,937				281,818	35,365,484	14,919,108

The appropriations for legislative contract authority are subject to all of the following provisions:

50,304,937

50,304,937

General Fund	State Special Revenue	Fiscal 2002			Total	General Fund	State Special Revenue	Fiscal 2003			Other	Total
		General Fund	Special Revenue	Proprietary				General Fund	Special Revenue	Proprietary		

- (1) Legislative contract authority applies only to federal funds.
- (2) Legislative contract authority expenditures must be reported on the state's accounting system, and the records must be separate from present law operations. In preparing the 2003 biennium budget for legislative consideration, the office of budget and program planning may not include the expenditures from this item in the present law base.
- (3) A report must be submitted by the department to the legislative fiscal division following the end of each fiscal year of the biennium. The report must include a list of projects with the related amount of expenditures and FTE for each project.
- The department is to report to the natural resources and commerce appropriations subcommittee on the projects funded with federal Sikes Act money and state matching money. The report is to include an analysis of the viability for continuance of the program and a list of projects funded with the money.
- If the department is required to adjust personal services expenditure costs between state and federal accounts, the approving authority shall adjust the state special revenue appropriation and the federal appropriation by like amounts. All transfers between fund types must be fully explained and justified on budget documents submitted to the office of budget and program planning.
- The department shall determine and quantify any efficiencies generated as a result of incorporating the Smith River diversion process into the automated license system and report its findings to the 2003 legislature.
- Item 1b legislative contract authority (ICA) is subject to all ICA provisions stated in the agency's language. ICA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued into the 2003 biennium. ICA applies only to federal funds.
- Item 2b ICA is subject to all ICA provisions stated in the agency's language. ICA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued into the 2003 biennium. ICA applies only to federal funds.
- Item 3 includes \$19,726 in state special revenue funds each fiscal year and \$50,178 in federal special revenue funds each fiscal year that are restricted to equipment purchases in the fisheries division and payouts of leave accruals because of retirements in the fisheries division.
- Item 3c ICA is subject to all ICA provisions stated in the agency's language. ICA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued into the 2003 biennium. ICA applies only to federal funds.
- Item 4 includes a reduction in general fund money of \$18,339 in fiscal year 2002 and \$18,339 in fiscal year 2003. This reduction is the equivalent of a 2.5% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.
- Item 4a contains a biennial appropriation of \$56,000 for game farm environmental assessment impact statements.

General Fund	State Special Revenue	Fiscal 2002			Total	General Fund	State Special Revenue	Fiscal 2003			Other	Total
		General Fund	Proprietary	Other				General Fund	Proprietary	Other		

Item 4b I CA is subject to all I CA provisions stated in the agency's language. I CA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued in the 2003 biennium. I CA applies only to federal funds.

Item 4c is contingent upon passage and approval of House Bill No. 419.

Item 5a is a restricted and one-time-only appropriation for mountain lion research.

Item 5d I CA is subject to all I CA provisions stated in the agency's language. I CA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued in the 2003 biennium. I CA applies only to federal funds.

Item 6 includes a reduction of \$224 in fiscal year 2002 and \$225 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 6 includes a reduction of \$2.817 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the agency. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 6 includes a reduction in fiscal year 2003 of \$1,509 in general fund money and represents the equivalent of 0.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The agency may allocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 6a is a restricted appropriation for motorboat site maintenance.

Item 6b includes a biennial appropriation of \$298,000 for snowmobile equipment.

The department may expend from the appropriation in item 6c no more than one-half of the unspent 2001 biennium appropriation made for this purpose. It is the intent of the legislature for the department to use any funds reverted from the 2001 biennium for the purpose of carrying out various maintenance and construction projects described in the management plan for Chief Plenty Coups state park. Further, the department may apply up to \$214,155 of lodging facility use tax funds appropriated to the department for state park maintenance in addition to the \$214,155 appropriated in [this act] for purposes of completing the maintenance and construction projects at Chief Plenty Coups state park. The department shall develop a tracking and reporting method for amounts spent from the lodging facility use tax for this purpose. The department shall report to the legislative finance committee at its June 2002 (or nearest) meeting on factors such as projects completed, dollars spent, and a timeline for completion of the remainder of the projects.

Item 6d I CA is subject to all I CA provisions stated in the agency's language. I CA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued in the 2003 biennium. I CA applies only to federal funds.

Item 7a is a restricted appropriation for aquatic education program family fishing.

Fiscal 2002						Fiscal 2003					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Item 7b is a biennial appropriation of \$120,000 for shooting range grants.											
Item 7c is a biennial and one-time-only appropriation of \$60,000 for shooting range grants enhancement.											
Item 7d I CA is subject to all I CA provisions stated in the agency's language. I CA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued into the 2003 biennium. I CA applies only to federal funds.											
Item 8 includes a total of \$138,780 for the 2003 Biennium for the Montana natural resources information system. Quarterly payments must be made upon receipt of the bills from the state library, up to the total amount appropriated.											
Item 8b is a restricted appropriation for the cadastral database.											
Item 8c I CA is subject to all I CA provisions stated in the agency's language. I CA is restricted and a one-time-only item in [this act] and must be requested as a new proposal to be continued into the 2003 biennium. I CA applies only to federal funds.											
DEPARTMENT OF ENVIRONMENTAL QUALITY (5301)											
1. Central Management Program (10)											
15,918	0	3,381	0	0	20,299	16,996	0	3,381	0	0	30,377
a. Database Development (Restricted Biennial (OTO))											
180,000	0	0	0	0	180,000	0	0	0	0	0	0
b. Legal Challenges (Biennial (OTO))											
180,000	0	0	0	0	180,000	0	0	0	0	0	0
2. Planning, Prevention, and Assistance Division (20)											
2,152,156	1,063,652	6,703,601	0	0	11,919,409	2,143,601	1,066,611	6,631,963	0	0	11,840,065
a. Technical Assistance to Tribal Air Quality (OTO)											
0	0	108,464	0	0	108,464	0	0	103,172	0	0	103,172
b. Particulate Matter (2.5) Monitoring (Restricted)											
0	0	245,059	0	0	245,059	0	0	245,059	0	0	245,059
c. One-Stop Grant for Database (Biennial (OTO))											
0	0	450,000	0	0	450,000	0	0	0	0	0	0
11,751,497											

	Fiscal 2002					Fiscal 2003						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
d. Flathead Lake Biological Monitoring Station	0	0	100,000	0	0	100,000	0	0	0	0	0	0
e. SB 506 — Alternative Energy Revolving Loan Account	0	60,000	0	0	0	60,000	0	60,000	0	0	0	60,000
3. Enforcement Division (30)	537,155	179,013	373,595	0	0	1,089,663	535,759	180,035	374,997	0	0	1,080,831
4. Remediation Division (40)	0	323,135	7,164,215	0	0	10,376,950	0	324,456	7,173,433	0	0	10,418,416
a. Enterprise Database Development (OTO)	0	300,000	0	0	0	300,000	0	35,000	0	0	0	35,000
b. Cleanup of Rockwood Solvent (Biennial)	0	0	530,450	0	0	530,450	0	0	513,208	0	0	513,208
c. Contracted Services — Legal Support (Restricted Biennial OTO)	0	150,000	0	0	0	150,000	0	0	0	0	0	0
d. Leaking Underground Storage Tank Trust — Truck Replacement (OTO)	0	3,000	27,000	0	0	30,000	0	0	0	0	0	0
e. Orphan Share Reimbursement (Restricted Biennial OTO)	0	3,500,000	0	0	0	3,500,000	0	0	0	0	0	0
f. Aboveground Storage Tank Survey (Restricted OTO)	0	25,000	0	0	0	25,000	0	25,000	0	0	0	25,000
g. Petroleum Tank Release Compensation Board Fund Liability Study (Restricted OTO)	0	75,000	0	0	0	75,000	0	0	0	0	0	0
h. Database Development (Restricted OTO)	0	18,306	34,294	0	0	52,600	0	18,306	34,294	0	0	52,600
i. Leaking Underground Storage Tank Trust Contracted Services (Restricted OTO)	0	30,000	270,000	0	0	300,000	0	30,000	270,000	0	0	300,000
5. Permitting and Compliance Division (50)	317,914	8,333,151	37,165,538	0	0	133,167,033	1,185,131	8,343,631	3,101,871	0	0	133,239,533

General Fund	Fiscal 2002					Fiscal 2003				
	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other
a. Junk Vehicle Database Conversion (Restricted OTO)	60,000	0	0	0	60,000	0	18,000	0	0	0
b. Asbestos Compliance (Restricted OTO)	55,700	0	0	0	55,700	28,300	55,700	0	0	0
28,300										
c. Hazardous Waste Contract Service (Restricted Biennial OTO)	150,000	0	0	0	150,000	0	0	0	0	0
d. Bond Forfeitures (Restricted Biennial)	30,500,000	0	0	0	30,500,000	0	0	0	0	0
e. Montana Environmental Policy Act Projects (Restricted Biennial)	1,000,000	0	0	0	1,000,000	0	0	0	0	0
f. Hard-Rock Federal Funds (Restricted Biennial OTO)	0	300,000	0	0	300,000	0	0	0	0	0
g. SB 449 — Environmental Rehabilitation and Response (Restricted Biennial)	12,500	0	0	0	12,500	0	0	0	0	0
h. Major Facility Siting Act Projects (Restricted Biennial OTO)	300,000	0	0	0	300,000	0	0	0	0	0
i. Abandoned Vehicle Operating Costs (Restricted OTO)	172,330	0	0	0	172,330	0	172,330	0	0	172,330
j. Public Water Supply Equipment (Restricted OTO)	15,000	0	0	0	15,000	0	15,000	0	0	15,000
k. Hard-Rock Equipment (Restricted OTO)	8,990	0	0	0	8,990	0	0	0	0	0
l. Solid Waste Database Conversion (OTO)	50,000	0	0	0	100,000	15,000	15,000	0	0	30,000
m. Zortman Industry Long-Term Water Treatment Trust (Restricted OTO)	0	0	0	0	0	0	540,000	0	0	540,000
n. SB 484 — Hard-Rock Mining Reclamation, Operation, and Maintenance (Restricted Biennial)	4,000,000	0	0	0	4,000,000	0	0	0	0	0

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
0. SB 167 — Exemption in Subdivision Grants to Counties (Restricted)						
0	204,000	0	0	0	204,000	0
Total	4,303,046	63,440,606	24,781,632	0	83,185,334	3,414,957

Item 2, 4, and 5 include a total of \$1,778,855 for the 2003 biennium for the Montana natural resources information system. Quarterly payments must be made upon receipt of the bills from the state library, up to the total amount appropriated.

Item 2 includes a reduction in fiscal year 2003 of \$6,146 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.

Item 2 includes a reduction of \$132,783 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 66.67% reduction in the fiscal year 2003 budget for equipment expenses. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 2 includes a reduction of \$59,144 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the agency. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 2d is contingent upon receipt of environmental protection agency 104b(3) ecosystem protection grant funds for the purposes of water quality monitoring and assessment activities. Upon receipt, the department shall contract with the Flathead Lake biological monitoring station for up to \$100,000 of these funds in support of department priority total maximum daily load monitoring and assessment projects.

Item 2e is contingent upon passage and approval of Senate Bill No. 506. The funds appropriated in item 2d are from the alternative energy revolving loan account created in Senate Bill No. 506. The funding must be spent for administration of the loan program subject to restriction provided in Senate Bill No. 506.

Item 5 includes a reduction in general fund money of \$7,328 in fiscal year 2002 and \$7,328 in fiscal year 2003. This reduction is the equivalent of an 8% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 5 includes a reduction of \$21,608 in fiscal year 2002 and \$21,608 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 5g is contingent upon passage and approval of Senate Bill No. 449.

SS 203 493

SS 203 493

Fiscal 2002						Fiscal 2003					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Item 5m includes a restricted, one-time-only appropriation of up to \$540,000 from state special revenue funds in fiscal year 2003 that have been transferred from the resource indemnity trust fund. The appropriation is contingent upon the state treasurer's certification to the office of budget and program planning and to the legislative finance committee that the trust balance is in excess of \$100 million. Upon meeting the contingency in fiscal year 2003, the office of budget and program planning is authorized to transfer up to \$540,000 in cash from the resource indemnity trust fund to a state special revenue fund to be used to purchase federal debt obligations that mature in June 2017 to partially fund the long-term water treatment trust for the former Zortman and Mandak communities.											
Item 5n is contingent upon passage and approval of Senate Bill No. 494.											
Item 5o is contingent upon passage and approval of Senate Bill No. 167.											
The department is authorized to decrease federal special revenue in the pollution control and the drinking water revolving fund loan programs and increase state special revenue by a like amount within the special administration account.											
DEPARTMENT OF LIVESTOCK (560.3)											
1. Centralized Services Program (01)											
14.748	1,028,523	116,009	0	0	1,153,680	174,436	1,084,776	87,157	0	0	1,162,369
						26,575					1,188,944
a. Legislative Audit (Restricted Biennial)											
2.734	26,153	4,768	0	0	34,055	0	0	0	0	0	0
b. Laboratory Information System Equipment/Installation (OTO)											
0	36,300	10,000	0	0	106,300	0	0	0	0	0	0
c. Board of Horse Racing											
0	237,513	0	0	0	237,513	0	241,877	0	0	0	241,877
0	450	0	0	0	450	0	0	0	0	0	0
d. Legislative Audit — Board of Horse Racing (Restricted Biennial)											
2. Diagnostic Laboratory Program (03)											
190.933	1,134,465	11,115	0	0	1,346,513	450,944	1,212,404	17,371	0	0	1,440,724
						234,360					1,675,084

	Fiscal 2002					Fiscal 2003						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a. Bison Federal Cooperative Agreement (Restricted OTO)	0	0	651,310	0	0	651,310	0	0	651,310	0	0	651,310
b. Disease Outbreak (Restricted OTO)	0	177,823	0	0	0	177,823	0	177,823	0	0	0	177,823
c. Greater Yellowstone Interagency Brucellosis Committee (Restricted OTO)	0	0	137,600	0	0	137,600	0	0	143,211	0	0	143,211
4. Milk and Egg Program (05)	0	342,143	34,788	0	0	366,901	0	346,775	34,782	0	0	371,557
5. Inspection and Control Program (06)	0	2,508,699	39,744	0	0	2,548,443	0	2,554,838	36,381	0	0	2,591,219
a. Brand Recount (Restricted OTO)	0	45,654	0	0	0	45,654	0	0	0	0	0	0
6. Predator Control Program (08)	0	435,235	0	0	0	435,235	0	442,718	0	0	0	442,718
7. Meat and Poultry Inspection Program (10)	385,716	1,795	387,415	0	0	773,926	400,683	1,795	402,441	0	0	804,880
8. Milk Control Bureau (37)	0	185,643	0	0	0	185,643	0	185,601	0	0	0	185,601
Total	604,121	6,962,912	1,382,279	0	0	8,949,312	602,048	6,869,978	1,356,533	0	0	8,944,559
							602,113					8,957,779

The department shall record separately all personal services, operating expenses, equipment, and capital expenditures related to bison control for all programs in which any resources are expended for that purpose on the state accounting, budgeting, and human resources system in a manner so that those expenditures may be readily derived and shall create a summary report. The department shall provide an annual report on the program to the legislative fiscal analyst and the office of budget and program planning of all expenditures related to bison control.

Item 1 includes a reduction of \$4,398 in fiscal year 2002 and \$4,413 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

602,113

8,957,579

Item 1 includes a reduction in fiscal year 2003 of \$641 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.

Items 1c and 1d are contingent upon passage and approval of Senate Bill No. 445.

Item 2 includes a reduction of \$6,089 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the agency. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION (5706)

1. Centralized Services (21)

General Fund	State Special Revenue	Fiscal 2002			Total	General Fund	State Special Revenue	Fiscal 2003			Total
		Revenue	Proprietary	Other				Revenue	Proprietary	Other	
1,842,276	49,505	105,000	0	0	2,072,345	1,853,621	4,332,69	10,500	0	0	2,064,890
						1,211,630					1,649,389

a. Legislative Audit (Restricted Biennial)

80,373	0	0	0	0	80,373	0	0	0	0	0	0
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b. Missoula Office Relining (Restricted OTO)

0	0	35,750	0	0	25,750	0	0	0	0	0	0
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c. Debt Service to Reimburse Montana Science Institute (Restricted)

0	0	0	0	0	0	38,000	0	0	0	0	38,000
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2. Oil and Gas Conservation Division (22)

0	1,132,006	0	0	0	1,132,006	0	1,143,052	0	0	0	1,143,052
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a. Operating Adjustments (OTO)

0	84,343	0	0	0	84,343	0	89,708	0	0	0	89,708
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3. Conservation and Resource Development Division (23)

1,872,846	1,497,854	161,651	0	0	3,432,353	1,441,621	1,854,943	161,651	0	0	3,458,215
						741,702	2,684,302				5,455,506

a. Irrigation Assistance (OTO)

140,000	0	0	0	0	140,000	150,000	0	0	0	0	150,000
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b. Dry Prairie Rural Water Project (OTO)

0	39,720	0	0	0	39,720	0	59,720	0	0	0	59,720
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	Fiscal 2002					Fiscal 2003						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
c. North Central Montana Regional Water Authority (OTO)	125,000	0	0	0	0	125,000	125,000	0	0	0	0	125,000
d. Eastern Plains Resource Conservation and Development (OTO)	0	25,000	0	0	0	25,000	0	25,000	0	0	0	25,000
e. Gallatin Resource Conservation and Development (OTO)	15,000	0	0	0	0	15,000	15,000	0	0	0	0	15,000
f. Sheridan County Conservation District (OTO)	0	0	0	0	0	0	35,000	0	0	0	0	35,000
g. Coal Tax Allocation to Conservation Districts (Biennial)	0	100,000	0	0	0	100,000	0	0	0	0	0	0
h. Grass Conservation Commission (Biennial)	45,000	51,806	0	0	0	96,806	0	0	0	0	0	0
i. Regional Water System Coordinator (OTO)	0	53,054	0	0	0	53,054	0	53,054	0	0	0	53,054
4. Water Resources Division (24)	59,806	1,016,353	160,035	0	0	7,106,357	5,991,483	1,019,380	160,733	0	0	7,171,596
a. State Water Project Rehabilitation (Restricted Biennial OTO)	0	3,500,000	0	0	0	3,500,000	0	0	0	0	0	0
b. Dam Safety Improvement (Restricted OTO)	0	0	81,845	0	0	81,845	0	0	83,177	0	0	83,177
c. Water Well Irrigation (Restricted)	0	15,000	0	0	0	15,000	0	15,000	0	0	0	15,000
d. Water Right Permit Verification (OTO)	0	170,000	0	0	0	170,000	0	145,000	0	0	0	145,000
e. Flood Damage Reduction (Restricted OTO)	0	0	169,748	0	0	169,748	0	0	169,786	0	0	169,786
f. Broadwater Hydropower Facility (OTO)	0	63,000	0	0	0	63,000	0	33,000	0	0	0	33,000

	General Fund	State Special Revenue	Fiscal 2002			Total	General Fund	State Special Revenue	Fiscal 2003			Total
			Revenue	Proprietary	Other				Revenue	Proprietary	Other	
g. HB 357 — Clark Fork River Task Force (OTO)	0	0	0	0	0	0	0	130,000	0	0	0	130,000
5. Reserved Water Rights Compact Commission (25)	724,561	0	0	0	0	724,561	725,624	0	0	0	0	725,624
a. Equipment Replacement (OTO)	6,000	0	0	0	0	6,000	10,500	0	0	0	0	10,500
6. Forestry and Trust Lands (35)	6,056,464	10,521,550	1,055,209	0	0	18,033,223	6,093,328	11,038,040	1,054,587	0	0	18,191,955
a. Fire Protection Assessment Software Revivite (Restricted OTO)	29,200	40,800	0	0	0	70,000	0	0	0	0	0	0
b. Federal Fire Reimbursement (Restricted)	0	0	229,684	0	0	229,684	0	0	229,684	0	0	229,684
c. Phase II/Slash Programming (OTO)	23,600	0	0	0	0	23,600	0	0	0	0	0	0
d. Remote Weather Station (OTO)	8,710	4,290	0	0	0	13,000	0	0	0	0	0	0
e. Forest Health Monitoring Program (Restricted OTO)	0	0	78,000	0	0	78,000	0	0	78,000	0	0	78,000
f. Forest Rehabilitation (OTO)	0	177,500	0	0	0	177,500	0	140,500	0	0	0	140,500
g. Replacement Equipment (OTO)	0	15,000	0	0	0	15,000	0	17,000	0	0	0	17,000
h. Habitat Conservation Plan (Restricted Biennial OTO)	0	0	200,000	0	0	200,000	0	0	0	0	0	0
i. Homeowner Defensible Space Audits (Biennial OTO)	0	0	200,000	0	0	200,000	0	0	0	0	0	0
j. Private Forest Landowner Assistance (Restricted Biennial OTO)	0	0	350,000	0	0	350,000	0	0	0	0	0	0

Fiscal 2002			Fiscal 2003		
General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue

Item 2 includes a fund switch in fiscal year 2003 of \$1 million from the general fund to the state special revenue fund, which is the first \$1 million in proceeds in excess of \$100 million in the resource indemnity trust fund, contingent upon passage and approval of House Bill No. 9, August 2002 Special Session.

Item 3 includes a reduction of \$50,000 in state special revenue, which is contingent upon passage and approval of House Bill No. 10, August 2002 Special Session.

It is the intent of the legislature that the agency not use general fund money in items 3 and 6 for the purchase of new or replacement automobiles unless an existing vehicle becomes inoperable to the point at which replacement is warranted.

Item 4 is contingent upon passage and approval of House Bill No. 397. Item 4 is an appropriation from state special revenue funds in fiscal year 2003 that have been transferred from the resource indemnity trust fund. The appropriation is contingent upon the governor's certification that the trust balance is in excess of \$100 million. Upon meeting if the contingency is met in fiscal year 2003, the office of budget and program planning is authorized to transfer the \$120,000 in cash from the resource indemnity trust fund to a state special revenue fund to be used for this purpose. *Further, the cash for this purpose cannot be transferred until \$990,000 of 1 million has been transferred for a fund switch in item 3. \$300,000 has been transferred for the purpose of weed eradication, and \$540,000 has been transferred for the purpose of purchasing securities for water treatment at the former Zortman and Mandusky mines.*

State special revenue appropriations in item 6 may be used for firefighting costs. It is the intent of the legislature to replace any state special revenue expenditures with a general fund supplemental appropriation in the next legislative session.

Item 6a includes funds received from nonstate entities for the use of department personnel and equipment to assist them in managing emergency incidents, such as fire suppression activities. Only funds up to \$100,000 received as reimbursement of personnel expenses credited against the department's operational budget and up to \$250,000 of funds received as payment under equipment use agreements are considered for reimbursement funds. All other funds received must be deposited in the general fund. Funds reimbursed for the use of department equipment must be expended for the repair, maintenance and replacement of equipment that supports the state-county cooperative fire program. The department shall report five reimbursement expenditures on state accounting records, and the records must be separate from present law operations.

Item 6b is contingent upon passage and approval of Senate Bill No. 31.

Item 6c is contingent upon passage and approval of Senate Bill No. 354.

Item 6m is limited to the amount borrowed from the coal tax permanent fund and may be used only for the purpose of purchasing public school fund mineral production rights from the trust and legacy account.

DEPARTMENT OF AGRICULTURE (6201)

- 1. Central Management Division (15)

	Fiscal 2002				Fiscal 2003							
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
165498	446,473	63,813	48,893	0	719,676	0	431,837	68,655	80,973	0	4,397,444	7,19,676
3. Legislative Audit (Restricted/Biennial)												
38,055	0	0	0	0	38,055	0	0	0	0	0	0	0
b. Electronic Transactions Strategic Planning Consulting Services (OTO)												
0	79,000	0	39,000	0	118,000	0	30,414	0	4,000	0	34,414	0
2. Agricultural Sciences Division (30)												
95,115	4,554,855	431,963	0	0	5,073,003	97,137	4,537,373	43,337	0	0	5,057,735	0
a. Federal Special Grants (OTO)												
0	0	100,000	0	0	100,000	0	0	100,000	0	0	100,000	0
b. Organic Certification Program (Restricted OTO)												
41,557	0	0	0	0	41,557	41,680	0	0	0	0	41,680	0
c. Federal Special Grants (Biennial)												
0	0	2,000,000	0	0	2,000,000	0	0	0	0	0	0	0
d. Weed Control Program (Restricted)												
101,341	0	0	0	0	101,341	101,337	0	0	0	0	101,337	0
e. SB 326 — Weed Control Program (Restricted OTO)												
0	0	0	0	0	0	0	500,000	0	0	0	500,000	0
3. Agricultural Development Division (50)												
353,755	3,134,793	45,710	267,855	0	3,855,120	355,535	3,147,491	45,710	268,174	0	3,519,010	0
a. Rail Transportation Technical Assistance (Restricted/Biennial OTO)												
0	50,000	0	0	0	50,000	0	2,974,497	0	0	0	2,974,497	0
Total												
791,384	8,315,131	2,535,455	355,151	0	12,048,761	485,029	8,547,014	637,743	323,147	0	10,349,571	0
						764,945	2,974,497				9,979,546	

General Fund	State Special Revenue	Fiscal 2002			Total	General Fund	State Special Revenue	Fiscal 2003			Other	Total
		General Fund	Proprietary	Other				General Fund	Proprietary	Other		

It is the intent of the legislature that the department use sources other than the general fund to fund operations of the organic certification program in the 2005 biennium.

Item 1 includes a reduction in general fund money of \$4,827 in fiscal year 2002 and \$4,827 in fiscal year 2003. This reduction is the equivalent of a 1.9% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 1 includes a reduction of \$2,715 in fiscal year 2002 and \$2,725 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 1 includes a reduction in fiscal year 2003 of \$3,208 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.

Item 1 includes a reduction of \$9,063 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 66.6% reduction in the fiscal year 2003 budget for equipment expenses. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 1 includes a reduction of \$7,848 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the agency. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 2 contains \$100,000 each year of the 2003 biennium from the department of transportation highway state special revenue fund for use in the weed control program. This appropriation is contingent upon passage and approval of Senate Bill No. 326.

The funds in item 2d are to be granted to governmental entities through an application process to mitigate the impact of noxious weeds on private and state lands, except department of fish, wildlife, and parks lands, as a result of the activities of the department of fish, wildlife, and parks.

Item 2e contains a \$500,000, \$300,000 appropriation in fiscal year 2003 from state special revenue funds that are to be transferred from the resource indemnity trust fund. The \$500,000, \$300,000 appropriation is contingent upon the governor's certification that the trust balance is in excess of \$100 million. Upon meeting if the contingency is met in fiscal year 2003, the office of budget and program planning is authorized to transfer the \$500,000, \$300,000 in cash from the resource indemnity trust fund to a state special revenue fund to be used for this purpose. Item 2e is contingent upon passage and approval of Senate Bill No. 326.

Item 3 includes a reduction of \$193,000 in state special revenue, which is contingent upon passage and approval of House Bill No. 10, August 2002 Special Session.

DEPARTMENT OF COMMERCE (6501)

[illegible]

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
9. Building Codes Bureau (65)	0	0	0	0	0	0
10. Housing Division (74)	0	53480.613	0	53480.613	0	56302.41
a. Legislative Audit (Restricted Biennial)	0	11913	0	11913	0	0
11. Montana State Lottery (77)	0	0	0	0	0	0
12. Board of Horse Racing (78)	0	0	0	0	0	0
13. Consumer Affairs (79)	0	0	0	0	0	0
14. Director's Office Management Services Division (81)	0	0	0	0	0	0
a. Department Server Hardware Replacement (OTO)	14,389	1,701	13,686	0	0	0
b. Federal Building Rent	0	0	0	0	51,838	550.38
c. Federal Building Move (OTO)	0	0	13,000	0	30,000	6,000
Total	1,755,586	3,000,512	65,743,147	1,443,041	313,045	68,631.76

The reduction in funding for items 1, 2, 3, 8, 9, 11, 12, and 13 are contingent upon passage and approval of Senate Bill No. 445. If Senate Bill No. 445 is not passed and approved, the department is appropriated \$746,325 in general fund money, \$117,874 in state special revenue, and \$3,002,901 in proprietary authority in fiscal year 2003 and \$746,771 in general fund money, \$114,044 in state special revenue, and \$3,504,930 in proprietary authority in fiscal year 2003. The allocation among divisions and the realignment of expenses associated with the reallocation will be outlined in the Legislative Fiscal Division's 2003 Biennial Legislative Fiscal Report if Senate Bill No. 445 is not passed and approved.

73 = 96,447

2,720,736

Fiscal 2001						Fiscal 2003					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
<i>It is the intent of the legislature that the money allocated in item 1 to the board of research and conservation and other money allocated to the board from statutory appropriations and other sources be allocated by the board in a manner that gives preference to applications that advance projects that have a positive impact on nonrelated security technologies, such as the R.A.V. II project that is developing and commercializing technologies for national airport security and is using Montana airports as pilot projects and Montana companies as vendors.</i>											
<i>Item 5 includes a reduction of \$13,282 in fiscal year 2002 and \$13,288 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 300 Shennarum open-air plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.</i>											
<i>Item 2 includes a reduction of \$17,419 in fiscal year 2002 and \$17,419 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the agency. The agency may reallocate this reduction in funding among programs in the fiscal year 2003 operating plans.</i>											
<i>Item 4 includes a reduction in fiscal year 2003 of \$4,838 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing the fiscal year 2003 operating plans.</i>											
<i>Item 4 includes a reduction of \$183,000 in state special revenue, which is contingent upon passage and approval of House Bill No. 10, August 2002 Special Session.</i>											
It is the intent of the legislature that the department use lodging facility use taxes to fund \$515,961 in fiscal year 2002 and \$511,677 in fiscal year 2003 for the Montana Historical Society. This would be expended as follows:											
2002						2003					
MHS Lewis and Clark Bicentennial	\$116,477				\$11,134	MHS Lewis and Clark Bicentennial	\$116,477				\$11,134
MHS Swiss Center	28,484				25,563	MHS Swiss Center	28,484				25,563
MHS Swiss East Stange					96,000	MHS Swiss East Stange	96,000				100,000
MHS Lewis and Clark Bicentennial Commemora	300,000				200,000	MHS Lewis and Clark Bicentennial Commemora	300,000				200,000
MHS Historical Interpretation	75,000				75,000	MHS Historical Interpretation	75,000				75,000
TOTAL SECTION C											
99,386,069	136,411,579	119,273,563	365,751	0	335,381,352	2,863,349	84,011,002	108,668,137	30,3147	0	216,914,545
											216,633,990

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Proprietary	Other	Total	Other
CRIME CONTROL DIVISION (4107)						
1. Justice System Support Service (01)						
678313 0 595213 0 0 1374145 691869 0 593356 0 0 1366346						
						1763037
a. Regional Juvenile Detention (Biennial)						
1114542 0 0 0 0 1114542 1114542 0 0 0 0 1114542						
b. Federal Pass-Through Grants (Biennial)						
0 0 955213 0 0 955213 0 0 955213 0 0 955213						
c. Computer Crime Unit (Biennial)						
0 0 149670 0 0 149670 0 0 0 0 0 0						
Total						
1793614 0 10270155 0 0 12063970 1606531 0 10116569 0 0 11995400						
						17908337

All remaining federal pass-through grant appropriations, including reversals, for the 2001 biennium are authorized to continue and are appropriated in fiscal year 2002 and fiscal year 2003.

Item 1 includes a reduction in general fund money of \$2,352 in fiscal year 2002 and \$2,352 in fiscal year 2003. This reduction is the equivalent of an 11% reduction in fiscal year 2000 base budget travel expenses.

Item 1 includes a reduction in fiscal year 2003 of \$2,571 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The division may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.

Item 1 includes a reduction of \$1,575 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 66.87% reduction in the fiscal year 2003 budget for equipment expenses. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 1 includes a reduction of \$18,067 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the division.

The board of crime control shall update juvenile crime statistics from the child and adult protective services system on the board's website annually.

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
DEPARTMENT OF JUSTICE (4110)						
1. Legal Services Division (01)						
2,672,641	3,7035	149,680	0	3,149,622	328,436	150,137
				2,682,485	0	0
				3,649,477		
a. Major Investigation (Restricted Biennial)						
200,000	0	0	0	200,000	0	0
b. Crime Victim Benefits (Biennial)						
579,388	0	225,000	0	804,388	0	225,000
c. HB 419 — Natural Resources Enforcement Program						
0	41,600	0	0	41,600	0	0
d. Amber Alert System (Restricted/OTC)						
0	0	0	0	74,000	0	0
2. Gambling Control Division (07)						
380,000	2,268,675	0	611,103	3,349,778	2,268,683	0
				380,000	613,766	0
				327,000		
3. Motor Vehicle Division (12)						
8,191,505	432,194	0	0	8,624,029	432,194	0
				8,240,754	0	0
				2,479,477	7,062,903	
a. HB 577 — Motor Vehicle IT Account (Biennial)						
0	960,000	0	0	960,000	0	0
b. SB 334 — Driver Rehabilitation and Improvement Program						
0	33,146	0	0	33,146	33,178	0
4. Highway Patrol Division (13)						
1,038,775	17,050,446	364,454	0	18,054,719	17,949,560	571,207
				1,040,240	0	0
a. SB 358 — Access to Traffic Accident Reports						
0	16,574	0	0	16,574	13,946	0
					0	13,946

3342

	Fiscal 2002				Fiscal 2003			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue
b. HB 255 — Reckless or Careless Driving								
12 013	0	0	0	0	0	12 013	0	0
5. Division of Criminal Investigation (18)								
2 301 312	317 657	1 340 619	0	0	0	3 365 338	2 381 644	318 802
							2 727 544	
6. County Attorney Payroll (19)								
1 695 151	0	0	0	0	0	1 695 151	1 445 894	0
							1 673 394	
7. Law Enforcement Academy Division (22)								
1 104 731	50 000	199 607	0	0	0	1 354 338	1 089 970	50 000
8. Central Services Division (28)								
2 75 637	354 448	0	13 886	0	0	643 863	375 325	382 914
a. Legislative Audit (Restricted/Biennial)								
26 149	33 447	0	1 316	0	0	60 812	0	0
9. Information Technology Services Division (29)								
2 700 395	656 401	771 611	10 195	0	0	4 138 606	2 444 182	655 387
							2 477 539	
10. Forensic Sciences Division (32)								
2 085 304	303 305	185 613	0	0	0	2 574 193	2 054 816	303 305
							2 084 376	
3. HB 359 — Expand Collection of DNA Evidence								
24 150	0	0	0	0	0	24 150	24 150	0
Total								
	23 296 351	27 834 740	33 355 554	635 406	0	50 503 051	23 425 594	27 149 115
							16 000 671	22 723 974
								5 256 040

The appropriations for legislative contract authority are subject to all of the following provisions:

49 061 544
49 559 457

635 796
0

441 554
5 970 040

18 597 3
2 485 594
2 575 394

0
0

24 150
0

0
0

0
0

0
0

0
0

0
0

0
0

0
0

General Fund	State Special Revenue	Fiscal 2002			Total	Other	Fiscal 2003			Total
		General Fund	Proprietary	Other			General Fund	Proprietary	Other	

(1) Legislative contract authority applies only to federal and private funds.

(2) Legislative contract authority expenditures must be reported on the state accounting records and kept separate from present law operations. In preparing the 2003 biennium executive budget, the office of budget and program planning may not include expenditures from this item in the present law phase.

(3) A report must be submitted by the department to the legislative fiscal analysis following the end of each fiscal year, listing legislative contract authority grants received and the amount of expenditures and FTE for each grant.

The legislature recognizes that the costs associated with litigation in which the legal services division is required to provide representation to the state of Montana may exceed the appropriation provided. In that event, the department will need to request a supplemental appropriation from the 2003 legislature to adequately represent the state.

Item 1 includes a reduction in fiscal year 2003 of \$40,000 in general fund money and representation reductions ordered by the governor pursuant to 17-7-140.

Item 1 is contingent upon passage and approval of House Bill No. 419.

The appropriation for the gambling control division contains funding for the automated accounting and reporting system (AARS). The general fund appropriation of \$80,000 in each year of the 2003 biennium reflects continuation of a 5-year general fund commitment for this project through the 2003 biennium. It is the intent of the legislature that an annual general fund commitment of \$235,250 be continued in each year of the 2007 biennium. If the long-range building program committee bill to use interap funding for AARS implementation is passed by the 2001 legislature, a portion of these appropriations may be used to make debt service payments.

The department is appropriated up to \$2,800,000 for the biennium from state special revenue funds for the purchase of system interface boards to be used for the implementation of the AARS.

Item 2 includes a reduction in fiscal year 2003 of \$38,000 in general fund money and representation reductions ordered by the governor pursuant to 17-7-140.

Item 2 includes a reduction of \$567,203 in general fund money in fiscal year 2002 and \$559,866 in fiscal year 2003 and an increase in proprietary funds of \$611,103 in fiscal year 2002 and \$613,766 in fiscal year 2003. These reductions and increases are contingent upon passage and approval of House Bill No. 389.

Item 3 includes a reduction in general fund money of \$31,502 in fiscal year 2002 and \$31,502 in fiscal year 2003. This reduction is the equivalent of a 10% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 3 includes \$5,738 of general fund money in fiscal year 2002 that is contingent upon passage and approval of House Bill No. 124.

General Fund	State Special Revenue	Fiscal 2002			Total	General Fund	State Special Revenue	Fiscal 2003			Total
		Revenue	Propensity	Other				Revenue	Propensity	Other	

Fiscal year 2003 state special revenue in item 3 includes \$6,636,799 of the fund balance from revenue sources not restricted to certain purposes by the Montana constitution.

Item 3 includes a reduction in fiscal year 2003 of \$220,483 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.

Item 3a is contingent upon passage and approval of House Bill No. 577 and is for:

- (1) debt service payments or repayment of any loan incurred for the creation of a new information technology system for motor vehicles; or
- (2) payment of costs directly incurred in the creation and support of the new motor vehicle information technology system.

Item 4 includes a reduction in fiscal year 2003 of \$32,546 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.

Item 4a is contingent upon passage and approval of Senate Bill No. 358.

Item 4b is contingent upon passage and approval of House Bill No. 256.

There is appropriated from the highway patrol retirement clearing account for payments to the Montana highway patrol pension fund the amount required for this transfer, not to exceed \$1,500,000 for each fiscal year.

Item 5 includes a reduction in fiscal year 2003 of \$200,197 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.

It is the intent of the legislature that the agency not use general fund money in item 5 for the purchase of new or replacement automobiles unless an existing vehicle becomes inoperable to the point at which replacement is warranted.

Item 6 includes a reduction in fiscal year 2003 of \$60,000 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.

Item 9 includes a reduction of \$127,892 in fiscal year 2002 and \$128,336 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennial operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 9 includes a reduction in fiscal year 2003 of \$31,972 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.

	Fiscal 2002			Fiscal 2003			Total
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue	
Item 9 includes a reduction of \$40,506 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 66.67% reduction in the fiscal year 2003 budget for equipment expenses in all divisions of the department except the forensic sciences division. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.							

Item 9 includes a reduction of \$161,846 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the agency. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 10 includes a reduction in fiscal year 2003 of \$40,000 in general fund money and preserves the reductions ordered by the governor pursuant to 17-140.

If Senate Bill No. 328 is not passed and approved, the extradition and transportation of prisoners program will remain in the department of justice as program 50 and there is appropriated \$177,724 of general fund money in fiscal year 2003 and \$178,936 of general fund money in fiscal year 2003. In addition, if Senate Bill No. 328 is not passed and approved, the amendment to the reference copy of [this act] striking the language accompanying the extradition and transportation of prisoners program in the department of justice is void.

Item 10 includes \$12,000 in general fund money for fiscal year 2003 for lab accreditation. The use of the funds for accreditation is contingent on passage of a federal requirement that a lab needs to be accredited to receive federal funds.

Item 10a is contingent upon passage and approval of House Bill No. 359.

PUBLIC SERVICE REGULATION (4201)

1. Public Service Regulation Program (01)							
a. Legislative Audit (Restricted Biennial)	0	3,656,135	13,667	0	0	3,656,311	0
0 Legislative Audit (Restricted Biennial)	0	17,027	0	0	0	17,027	0
b. Consultants (Biennial)	0	100,000	0	0	0	100,000	0
c. Universal Access Program (Biennial)	0	68,3404	0	0	0	68,3404	0
Total	0	3,836,135	13,667	0	0	3,839,802	0
DEPARTMENT OF CORRECTIONS (6401)							
	0	3,836,135	13,667	0	0	3,839,802	0
							0
							2,519,578

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
1. Administration and Support Services (01)						
14,797,935	4,321	0	67,057	0	65,191	0
						14,443,193
						14,742,357
a. Legislative Audit (Restricted/Biennial)						
91,947	0	0	0	0	0	0
b. Establishment of Criteria and Treatment of Hepatitis C						
103,610	0	0	0	0	0	0
						557,909
2. Community Corrections (02)						
32,631,208	57,3690	428,967	0	0	0	0
						48,6987
3. Service Facilities (03)						
46,134,474	1,152,275	533,362	0	0	0	0
						1,152,275
4. Montana Correctional Enterprises (04)						
1,014,403	0	0	516,891	0	518,341	0
						1,535,075
Total						
96,763,478	1,730,450	962,349	583,886	0	1,137,643	0
						100,414,844
						97,002,086

Because the percentage of American Indians in our state's correctional system ranges from 17% in the men's prison to up to 40% in the women's prison, it is important that the department maintain open communications and liaisons with the Montana tribes. Therefore, the department shall designate one of its current full-time equivalent employees in the administration and support services division to have included as part of the employee job responsibilities the duty to serve as a liaison with the Montana tribes and the department regarding American Indian inmate issues and concerns in all correctional facilities, including contracted bed facilities.

The department is encouraged to use telemedicine technology to the fullest extent possible to effect savings within the department.

The legislature encourages the department to use the authority that it possesses under current statute to allow early discharge of offenders subject to the jurisdiction of the department for the purpose of relieving the projected cost overruns caused by high prison populations.

Item 1 includes a reduction of \$401,402 in fiscal year 2002 and \$402,801 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennial operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Proprietary	Other	Total	Federal Special Revenue

Item 1 includes a reduction in fiscal year 2003 of \$111,748 in general fund money and represents the equivalent of 2.8% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.

Item 1 includes a reduction of \$218,689 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 66.67% reduction in the fiscal year 2003 budget for equipment expenses. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 2 includes a reduction in general fund money of \$107,057 in fiscal year 2003. This reduction is the equivalent of a 24% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennial operating plans.

It is the intent of the legislature that the agency not use general fund money in items 2 and 3 for the purchase of new or replacement automobiles unless an existing vehicle becomes inoperable to the point at which replacement is warranted.

If Senate Bill No. 489 is not passed and approved, general fund money in item 2 is reduced by \$667,155 in fiscal year 2002 and by \$2,165,633 in fiscal year 2003.

If Senate Bill No. 489 is not passed and approved, general fund money in item 3 is increased by \$4 million in fiscal year 2003.

The department shall negotiate with the department of public health and human services and the Montana food bank for any costs incurred by the Montana correctional enterprises in operating the food bank program.

DEPARTMENT OF LABOR AND INDUSTRY (6602)

1. Job Service Division (01)

691.955	6,701,113	24,358,444	6,832	0	31,153,744	693,789	6,736,851	24,358,119	6,832	0	31,997,947
						17,561	5,516,847	2,487,172			57,977,987
a. Legislative Audit (Restricted Biennial)											
988	68,073	6,643	0	0	65,673	0	0	0	0	0	0
b. Research and Analysis Bureau Additional FTE (OTO)											
0	0	82,503	0	0	82,503	0	0	83,194	0	0	63,194
c. Displaced Homemaker Program											
2,356,005	0	0	0	0	2,356,005	4,966,605	0	0	0	0	2,356,605
						28,423	2,10,764				2,597,297

	Fiscal 2002					Fiscal 2003						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
24,895	28,191	3,964,714	0	0	0	3,017,800	34,895	38,300	3,565,472	0	0	3,019,557
a. Legislative Audit (Restricted/Biennial)	0	0	862	0	0	862	0	0	0	0	0	0
8. Building Codes Bureau (08)	0	3278,315	0	0	0	3278,315	0	3255263	0	0	0	3255263
a. Legislative Audit (Restricted/Biennial)	0	6,427	0	0	0	6,427	0	0	0	0	0	0
b. Building Codes Vehicle Replacement (OTO)	0	45,118	0	0	0	45,118	0	45,118	0	0	0	45,118
9. Workers' Compensation Court (09)	0	422,967	0	0	0	422,967	0	428,938	0	0	0	428,938
a. Legislative Audit (Restricted/Biennial)	0	1,034	0	0	0	1,034	0	0	0	0	0	0
Total	2,013,002	2,321,689	34,335,134	59,372	0	60,224,998	2,014,144	23,330,732	34,445,240	59,551	0	60,365,267
							1,127,996	70,111,795	59,089,240			60,375,079
It is the intent of the legislature that the rates charged for centralized services functions be a pro rata share of the total cost of the services provided by the United States department of labor federal cost negotiator. It is anticipated that the agreement will be approximately 9% and 10% of a program's actual personal services costs incurred in fiscal year 2002 and in fiscal year 2003.												

It is the intent of the legislature that the rates charged for centralized services functions be agreed to by the United States department of labor federal cost negotiator. It is anticipated that the assessment will be approximately 9% and 10% of a program's actual personal services costs incurred in fiscal year 2002 and fiscal year 2003.

Item 1 includes a \$672,602 reduction in general fund money for fiscal year 2003 for the job service division to be replaced by employment security account state special revenue funds in the amount of \$691,795 administered by the department. The increased amount includes the House Bill No. 13, Chapter 253, Laws of 2002, allocation. Item 1 also includes a \$4,111,000 reduction in the employment security account state special revenue funds to be replaced by "Need Aid" (a part of the Employment Security Administrative Financing Act of 1964) federal special revenue funds.

Item 1 includes a reduction in fiscal year 2003 of \$3,480 in general fund money and represents the equivalent of 0.5% of office supplies expenditure as funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among program when developing fiscal year 2003 operating plans.

General Fund	State Special Revenue	Fiscal 2002			Total	General Fund	State Special Revenue	Fiscal 2003			Other	Total
		General Fund	Proprietary	Other				General Fund	Proprietary	Other		

Item 1 includes a \$217,182 reduction in general fund money for fiscal year 2003 for the displaced homemaker program to be replaced by employment security account state special revenue funds in the amount of \$219,165 administered by the department. The increased amount includes the House Bill No. 13, Chapter 663, Laws of 2001, allocation.

Item 1d is contingent upon passage and approval of Senate Bill No. 322.

Item 3 includes a reduction in general fund money of \$923 in fiscal year 2002 and \$923 in fiscal year 2003. This reduction is the equivalent of a 1% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans.

Item 3 includes a reduction of \$7,635 in fiscal year 2002 and \$7,661 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 4 includes a reduction of \$10,876 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the agency. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

The professional and occupational licensing staff and operating budget designated as proprietary will transfer into this department with professional and occupational licensing (05).

Items 5, 5a, 6, 6a, 8, 8a, and 8b are contingent upon passage and approval of Senate Bill No. 445.

It is the intent of the legislature that the internal service rates charged for program 05, program 06, and program 08 will be approximately 5% and 10% of a program's actual personnel services costs incurred in fiscal year 2002 and fiscal year 2003.

The department shall report to the 2003 legislature on options for a fleet management plan to stabilize vehicle replacement costs within the building codes division.

Item 8 contains state special revenue authority of \$70,389 in fiscal year 2002 and \$62,889 in fiscal year 2003, including funding for 1.5 full-time equivalent employees each year, that is contingent upon passage and approval of House Bill No. 437.

Item 8 contains state special revenue authority of \$100,925 in fiscal year 2002 and \$151,950 in fiscal year 2003, including funding for 1.5 full-time equivalent employees in fiscal year 2002 and 3 full-time equivalent employees in fiscal year 2003, that is contingent upon passage and approval of Senate Bill No. 342.

DEPARTMENT OF MILITARY AFFAIRS (6701)

Fiscal 2002						Fiscal 2003					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
1. Operations Support (01)											
367,042	0	45,657	0	0	412,739	355,507	0	50,448	0	0	415,955
a. Legislative Audit (Restricted/Biennial)											
414	0	0	0	0	414	0	0	0	0	0	0
b. Operations Support Compliance Specialist (OTO)											
0	0	35,548	0	0	35,548	0	0	31,153	0	0	31,153
2. Challenge Program (02)											
a. Legislative Audit (Restricted/Biennial)											
4,135	0	6,203	0	0	10,338	0	0	0	0	0	0
b. Youth Challenge Program (OTO)											
1,114,027	0	1,671,040	0	0	2,785,067	1,118,162	0	1,671,243	0	0	2,789,405
						34,703	1,123,240				2,824,206
3. Scholarship Program (03)											
a. National Guard Scholarship Program (Biennial/OTO)											
250,000	0	0	0	0	250,000	0	0	0	0	0	0
4. Army National Guard Program (12)											
1,151,695	124,400	3,540,939	0	0	4,947,028	1,240,481	322,800	3,136,355	0	0	4,501,647
						1,198,147					4,744,813
a. Legislative Audit (Restricted/Biennial)											
64,410	0	15,745	0	0	23,155	0	0	0	0	0	0
5. Air National Guard Program (13)											
200,334	0	3,030,763	0	0	3,231,097	303,550	0	3,015,840	0	0	3,319,390
a. Legislative Audit (Restricted/Biennial)											
931	0	4,445	0	0	5,377	0	0	0	0	0	0
b. Firefighter's Retirement (Restricted/Biennial)											
0	0	5,656	0	0	5,656	0	0	0	0	0	0
6. Disaster Coordination Response (21)											

	Fiscal 2002					Fiscal 2003						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
605.69	21,897	1,766,785	0	0	0	2,394,161	608,463	31,897	1,374,473	0	0	1,856,837
a. Legislative Audit (Restricted Biennial)	630	0	630	0	0	1,340	0	0	0	0	0	0
b. Disaster and Emergency Services Server Replacement (OTO)	0	0	0	0	0	0	12,679	0	4,651	0	0	17,330
7. Veterans Affairs Program (31)	689,897	161,613	0	0	0	851,410	685,468	161,614	0	0	0	847,082
a. Legislative Audit (Restricted Biennial)	837	0	0	0	0	837	0	0	0	0	0	0
b. Veterans Affairs Copier Replacement (OTO)	4,000	0	0	0	0	4,000	0	0	0	0	0	0
Total	4,366,105	307,610	9,215,463	0	0	13,889,078	4,139,602	406,011	8,652,179	0	0	13,937,199
							5,007,976	1,679,937				75,890,246

The terrorism weapons of mass destruction program and the associated 1 FTE are terminated when federal funding for the program is terminated.

The general fund appropriation in item 2b may be used only for matching funds for Montana residents.

Item 2b includes a \$1,043,349 reduction in general fund money in fiscal year 2003 for the youth challenge program to be replaced by employment security agency state special revenue funds in the amount of \$1,123,240, which amount may be used by the department of labor and industry. The increased amount includes the House Bill No. 13 Chapter 553 Laws of 2001 allocation.

Item 4 includes a reduction in general fund money of \$14,018 in fiscal year 2002 and \$14,018 in fiscal year 2003. This reduction is the equivalent of a 13% reduction in fiscal year 2000 base budget travel expenses. The department may reallocate this reduction in funding among divisions when developing 2003 biennial operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 4 includes a reduction of \$20,312 in fiscal year 2002 and \$20,312 in fiscal year 2003 of general fund money. The department may reallocate this reduction in funding among divisions when developing 2003 biennial operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

	Fiscal 2002				Fiscal 2003			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue
Item 4 includes a reduction in fiscal year 2003 of \$3,735 in general fund money and represents the equivalent of 0.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The department may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.								
Item 4 includes a reduction of \$13,389 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 0.87% reduction in the fiscal year 2003 budget for equipment expenses. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.								
Item 4 includes a reduction of \$30,210 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the agency. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.								
Item 5b is contingent upon passage and approval of Senate Bill No. 289.								

TOTAL SECTION D								
138,193,330	51,415,165	59,233,353	1,278,666	0	3,401,211.104	119,085,136	48,660,715	1,319,869
							48,660,715	0
							67,000,619	2,571,937.376

	General Fund	Fiscal 2002				Other	Total	General Fund	State Special Revenue	Fiscal 2003			Total
		State Special Revenue	Federal Special Revenue	Proprietary	Federal Special Revenue					Proprietary	Other		
974,897		0	0	0	0	0	974,897	974,897	0	0	0	0	974,897
f. Secondary Vocational Education (Biennial)													
715,000		0	0	0	0	0	715,000	715,000	0	0	0	0	715,000
g. Adult Basic Education (Biennial)													
275,000		0	0	0	0	0	275,000	275,000	0	0	0	0	275,000
h. Gifted and Talented (Biennial)													
150,000		0	0	0	0	0	150,000	150,000	0	0	0	0	150,000
i. School Food (Biennial)													
648,653		0	0	0	0	0	648,653	648,653	0	0	0	0	648,653
j. School District Audits (Biennial)													
145,035		0	0	0	0	0	145,035	149,435	0	0	0	0	149,435
k. Traffic Safety Distribution													
0		750,000	0	0	0	0	750,000	0	750,000	0	0	0	750,000
l. Reduced Class Size (Biennial)													
0		0	7,605,780	0	0	0	7,605,780	0	0	9,493,533	0	0	9,493,533
m. Advanced Placement Incentive (Biennial)													
0		0	194,900	0	0	0	194,900	0	0	235,600	0	0	235,600
n. Comprehensive School Reform (Biennial)													
0		0	963,061	0	0	0	963,061	0	0	563,061	0	0	963,061
o. Emergency School Renovation (Biennial)													
0		0	5,438,913	0	0	0	5,438,913	0	0	5,438,913	0	0	5,438,913
p. SB 390 — Transfer to School Flexibility Account (Restricted Biennial OTO)													
0		0	0	0	0	0	0	5,000,000	0	0	0	0	5,000,000
								2,200,000					2,200,000
q. School Flexibility Account (Restricted Biennial OTO)													
0		0	0	0	0	0	0	0	5,053,000	0	0	0	5,053,000
									4,500,000				4,500,000

	Fiscal 2002				Fiscal 2003			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue
Total	497,081,228	931,100	104,805,515	73,133	0	602,891,976	496,661,701	604,478
								106,342,447
								13,133
								0
								621,034,459
								676,624,555

It is the intent of the legislature that the advanced driver education program be funded through a proprietary account.

Item 1 includes a reduction in general fund money of \$19,069 in fiscal year 2002 and \$19,069 in fiscal year 2003. This reduction is the equivalent of a 13.5% reduction in fiscal 2000 base budget travel expenses.

Item 1 includes a reduction of \$24,236 in fiscal year 2002 and \$24,322 in fiscal year 2003 of general fund money. The office may reallocate this reduction in funding on program when developing 2003 biennial operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 1 includes \$37,500 of general fund money in fiscal year 2002 and \$42,500 of general fund money in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 124.

Item 1 includes a reduction in fiscal year 2003 of \$4,104 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The office may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.

Item 1 includes a reduction of \$2,508 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 66.6% reduction in the fiscal year 2003 budget for equipment expenses. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.

Item 1 includes a reduction in fiscal year 2003 of \$128,896 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.

Item 1c is a biennial appropriation.

Item 1d is to provide up to 10 teachers each fiscal year who obtain certification by the national board for professional teaching standards with a one-time stipend of \$3,000.

Item 1d includes a reduction in fiscal year 2003 of \$27,000 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.

Items 2a through 2j and items 2l through 2o are biennial appropriations.

Item 2a is reduced to \$92,169,000 in general fund money only if both House Bill No. 4 and House Bill No. 7 August 2002 Special Session are passed and approved. If only House Bill No. 7 is passed and approved, item 2a is reduced to \$92,089,000 in general fund money.

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Total	1,718,338	1,751,176	0	0	0	3,469,514
<i>Item 1 includes a reduction in fiscal year 2003 of \$610 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The board of public education may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.</i>						
<i>Item 1 includes a reduction of \$1,705 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the board of public education. The board of public education may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.</i>						
SCHOOL FOR THE DEAF AND BLIND (5113)						
1. Administration Program (01)	303,064	0	0	0	0	303,064
a. Legislative Audit (Restricted/ Biennial)	38,137	0	0	0	0	38,137
2. General Services Program (02)	314,060	0	0	0	0	314,060
3. Student Services (03)	318,708	0	25,000	0	0	343,708
4. Education (04)	1,891,051	235,055	638,598	0	0	2,764,704
a. MTAP Transfer to General Fund (Restricted)	0	0	0	0	0	0
Total	3,454,080	335,055	88,598	0	0	3,877,733

3,454,080
335,055
88,598
0
0
3,877,733

Fiscal 2001						Fiscal 2003					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
It is the intent of the legislature that the agency not use general fund money in item 3 for the purchase of new or replacement automobiles unless an existing vehicle becomes inoperable to the point at which replacement is warranted.											
Item 4 includes a reduction of \$26,189 in fiscal year 2002 and \$26,279 in fiscal year 2003 of general fund money. The school may reallocate this reduction in funding on a program when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.											
Item 4 includes \$111,000 in fiscal year 2003 of state special revenue. The school may reallocate this funding among programs as necessary.											
Item 4 includes \$23,000 in fiscal year 2003 of general fund money. The school may reallocate this funding among programs as necessary.											
Item 4 includes a reduction in fiscal year 2003 of \$6,453 in general fund money and represents the equivalent of 0.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The school may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.											
Item 4 includes a reduction of \$19,019 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 66.67% reduction in the fiscal year 2003 budget for equipment expenses. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.											
Item 4 includes a reduction of \$34,394 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the school. The school may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.											
MONTANA ARTS COUNCIL (5114)											
1. Promotion of the Arts (01)											
314 039	140,859	477,500	0	0	938,358	302,551 7,99,019	137,416	477,500	0	0	917,467 9,15,383
19 460	0	0	0	0	19,460	0	0	0	0	0	0
2. Legislative Audit (Restricted Biennial)											
Total											
333 489	140,859	477,500	0	0	951,818	302,551 7,99,019	137,416	477,500	0	0	917,467 9,15,383

All federal funds in item 1 are biennial appropriations.

MONTANA ARTS COUNCIL (5114)

1. Promotion of the Arts (01)

	2014-2019	2020-2025	2026-2031	2032-2037	2038-2043	2044-2049	2050-2055	2056-2061	2062-2067	2068-2073	2074-2079	2080-2085	2086-2091	2092-2097	2100
1. Legislative Audit (Restricted Biennial)	19,460	0	0	0	0	19,460	0	0	0	0	0	0	0	0	0
	314,029	140,839	477,500	0	0	937,368	392,554	137,415	477,500	0	0	0	0	0	0
							2,94,079								

2. Existive Audit (Restricted/Bienzial)

[illegible]

Total

333,489	340,635	0	951,818	902,654	137,416	471,600	0	0	917,467
333,489	340,635	0	951,818	902,654	137,416	471,600	0	0	917,467
333,489	340,635	0	951,818	902,654	137,416	471,600	0	0	917,467
333,489	340,635	0	951,818	902,654	137,416	471,600	0	0	917,467
333,489	340,635	0	951,818	902,654	137,416	471,600	0	0	917,467
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333,489	340,635	0	951,818	902,654	137,416	471,600	0	0	917,467
333,489	340,635	0	951,8						

All federal funds in item 1 are biennial appropriations.

	Fiscal 2002			Fiscal 2003			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	Total
Item 1 includes a reduction in general fund money of \$1.132 in fiscal year 2002 and \$1.132 in fiscal year 2003. This reduction is the equivalent of a 16% reduction in fiscal year 2000 base budget travel expenses.							
Item 1 includes a reduction in fiscal year 2003 of \$307 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002.							
Item 1 includes a reduction of \$3.025 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the Montana Arts Council.							
MONTANA STATE LIBRARY COMMISSION (5115)							
1. State Library Operations (01)							
1.790.071	177,110	1,300,654	0	0	3,168,475	4,636,239	4,636,239
						1,477,510	1,477,510
						1,477,510	1,477,510
a. Legislative Audit (Restricted Biennial)							
17,037	0	0	0	0	17,037	0	0
b. Periodical/Electronic Database (OTO)							
82,600	117,600	0	0	0	200,000	82,600	200,000
2. Natural Resources Information System (OT)							
84,838	470,346	30,000	0	0	555,186	88,980	614,311
a. Stable Natural Resources Information System Funding (OTO)							
4,613	140,487	0	0	0	145,000	4,613	115,487
b. Legislative Contract Authority (Biennial OTO)							
0	25,000	475,000	0	0	500,000	0	0
Total							
1,978,946	931,045	1,705,654	0	0	4,616,638	4,407,271	906,038
						1,636,527	844,947
Item 1 includes biennial appropriations of \$251.138 in general fund money and \$889,102 in federal funds for grants to local libraries.							
						780,694	0
							3,354,003
							5,577,967

		Fiscal 2001				Fiscal 2003					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Item 1 includes a reduction in general fund money of \$4,561 in fiscal year 2002 and \$4,561 in fiscal year 2003. This reduction is the equivalent of a 169% reduction in fiscal year 2000 base budget travel expenses. The commission may reallocate this reduction in funding between programs when developing 2003 biennium operating plans. Item 1 includes a reduction in fiscal year 2003 of \$3,868 in general fund money and represents the equivalent of 2.5% of office supplies expenditures funded with general fund money in fiscal year 2002. The commission may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans. Item 1 includes a reduction of \$60,096 in state special revenue, which is contingent upon passage and approval of House Bill No. 10, August 2002 Special Session. Item 1 includes a reduction of \$17,071 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the commission. The commission may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans. Item 2b includes \$500,000 for legislative contract authority as a biennial appropriation, subject to the following provisions: (1) Legislative contract authority applies only to state special revenue fund received from the Montana university system, federal funds and private funds. (2) Legislative contract authority expenditures must be reported on the state accounting system. The record must be separate from present law operation. In preparing the 2005 biennium budget for legislative consideration, the office of budget and program planning may not include the expenditures from this item in the present law base. (3) A report must be submitted by the state library commission to the legislative fiscal division following the end of each fiscal year of the biennium. The report must include a listing of projects with the related amount of expenditures for each project. (4) Legislative contract authority may be transferred between state and federal special revenue, depending upon the contract received by the Montana state library.											
MONTANA HISTORICAL SOCIETY (5117)											
1. Administration Program (01)											
796,234	217,473	55,796	70,000	0	1,140,493	600,673	212,116	57,616	70,000	0	1,140,395
					774,879	1,114,364					
a. Legislative Audit (Restricted Biennial)											
26,757	0	0	0	0	26,757	0	0	0	0	0	0

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue
b. Lewis and Clark Bicentennial (OTO)						
31.847	0	0	0	31.847	0	0
2. Library Program (02)						
665835	2,606	0	53,447	53,810	2,606	53,447
a. Equipment to Read and Print Microfilm (Biennial OTO)						
6,000	0	0	0	6,000	0	0
3. Museum Program (03)						
282,182	351,533	0	7,616	359,149	2,618	7,616
4. Publications (04)						
53,652	0	0	710,135	53,652	0	710,135
5. Historical Sites Preservation (06)						
47,381	0	805,461	0	44,451	0	805,461
6. Lewis and Clark Bicentennial (08)						
a. Grant Funding (Restricted)						
0	100,000	0	0	100,000	0	0
Total	1,829,879	571,814	867,277	4,111,170	4,803,594	848,783

Item 1 includes a reduction in general fund money of \$5,278 in fiscal year 2002 and \$5,278 in fiscal year 2003. This is a reduction in travel funding. The agency may reallocate this reduction in funding among programs when developing 2003 biennial operating plans.

Item 1 includes a reduction of \$9,453 in fiscal year 2002 and \$9,453 in fiscal year 2003 of general fund money. The society may reallocate this reduction in funding among programs when developing 2003 biennial operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

Item 1 includes a reduction in fiscal year 2003 of \$2,421 in general fund money and represents the equivalent of 2.5% of office supplies expenditure as funded with general fund money in fiscal year 2002. The society may reallocate this reduction in funding among programs when developing fiscal year 2003 operating plans.

Fiscal 2002						Fiscal 2003					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Item 1 includes a reduction of \$559 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 66.6% reduction in the fiscal year 2003 budget for equipment expenses. The agency may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.											
Item 1 includes a reduction of \$18,033 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 budget for the society. The society may reallocate this reduction in funding among programs in its fiscal year 2003 operating plans.											
The legislative intent of item 2a is to acquire equipment based on the newest available technology within the available funding limit at the time of purchase.											
It is the intent of the legislature that the department of commerce use lodging facility use taxes to fund \$515,961 in fiscal year 2002 and \$511,677 in fiscal year 2003 for the Montana Historical Society. This would be expended as follows:											
			2002	2003							
Jewelry and Clark Biennial			\$116,477	\$111,134							
Scriver Quorum			28,484	25,553							
Scriver Rent Storage			96,000	100,000							
Jewelry and Clark Biennial Commission				200,000							
Historical Interpretation				75,000							
MONTANA UNIVERSITY SYSTEM INCLUDING OFFICE OF THE COMMISSIONER OF HIGHER EDUCATION AND EDUCATIONAL UNITS AND AGENCIES (5100)											
1. OCHE — Administration (01)											
1,238,557	0	0	0	0	1,238,557	1,443,480	0	0	0	0	1,443,480
						1,090,245					1,090,245
a. Legislative Audit (Restricted/Biennial)											
35,514	0	0	0	0	35,514	0	0	0	0	0	0
2. OCHE — Student Assistance (02)											
8,399,300	0	151,531	0	0	8,550,831	8,455,108	0	151,531	0	0	8,606,639
						8,557,797					8,557,797
3. OCHE — Dwight D. Eisenhower Mathematics and Science Education Act (03)											
0	0	312,744	0	0	312,744	0	0	312,744	0	0	312,744
4. OCHE — Community College Assistance (04) (Biennial)											
5,651,748	0	0	0	0	5,651,748	5,650,546	0	0	0	0	5,650,546

	Fiscal 2002					Fiscal 2003						
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
a. Legislative Audit (Restricted Biennial)							6,410,770					6,410,770
33,930 0 0 0 0 33,930												
5. OCHE — Talent Search (06)							98,345					98,345
92,846 0 2,393,405 0 0 3,086,251							59,846					59,846
6. OCHE — C.D. Perkins Administration (08)							73,746					73,746
78,748 0 7,655,831 0 0 7,844,579												
7. OCHE — Appropriation Distribution Transfers (09)							100,343,988					100,343,988
99,801,741 12,332,348 0 0 0 112,033,989							91,774,777					91,774,777
a. Legislative Audit (Restricted Biennial)												
228,803 0 0 0 0 228,803												
b. Increase State Support \$100 per Resident Student per Year							5,000,000					5,000,000
2,800,000 0 0 0 0 2,800,000												
c. Agricultural Experiment Station (Restricted)							9,830,460					9,830,460
9,830,460 0 0 0 0 9,830,460							9,866,810					9,866,810
d. Institute for Biobased Products and Food Science							9,744,364					9,744,364
200,000 0 0 0 0 200,000												
e. Extension Service (Restricted)							4,102,993					4,102,993
4,087,026 0 0 0 0 4,087,026							5,836,366					5,836,366
f. Montana Beef Network (Restricted Biennial/OTO)							90,000					90,000
90,000 0 0 0 0 90,000												
g. Forestry and Conservation Experiment Station (Restricted)							900,694					900,694
897,428 0 0 0 0 897,428							987,776					987,776

	Fiscal 2002			Fiscal 2003		
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
h. Bureau of Mines and Geology (Restricted)						
1,533,607	600,000	0	0	0	0	2,133,607
i. Fire Services Training School (Restricted)						
497,530	0	0	0	0	0	497,530
j. Flathead Lake Biological Station — University of Montana, Missoula (Restricted Biennial OT)						
100,000	0	0	0	0	0	100,000
8. Tribal College Assistance Program (11) (Biennial)						
100,000	0	0	0	0	0	100,000
96,500						96,500
9. OCHE — Guaranteed Student Loan (12)						
0	34,568,909	0	0	37,373,404	0	37,373,404
a. Legislative Audit (Restricted Biennial)						
0	4,379	0	0	4,379	0	4,379
10. OCHE — Board of Regents (13)						
43,631	0	0	0	43,631	0	43,631
Total						
1,865,580,449	12,830,248	45,895,759	0	13,065,460	0	1,924,371,466
155,577,449				134,046,496	27,442,005	187,518,545

Items 1 through 3 and 5 through 7b are a single biennial lump-sum appropriation.

Total audit costs of the office of the commissioner of higher education are estimated to be \$35,514.

Item 1 includes a reduction in general fund monies of \$11,255 in fiscal year 2002 and \$11,255 in fiscal year 2003. This reduction is the equivalent of a 1.7% reduction in fiscal year 2000 base budget travel expenses. The agency may reallocate this reduction in funding among programs when developing 2003 biennial operating plans.

	Fiscal 2002				Fiscal 2003			
	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue

Item 1 includes a reduction of \$99,292 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 appropriation for the program.

Item 1 includes a reduction in fiscal year 2003 of \$83,930 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.

Item 2 includes a reduction in fiscal year 2003 of \$144,413 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.

Total Summit costs are estimated to be \$25,000 each year for the community colleges. The general fund appropriation for the community colleges provides 53% of the total Summit costs. The remaining 47% of these costs must be paid from funds other than those appropriated in item 4. Summit costs for each year may not exceed \$8,000 each for Dawson and Miles community colleges and \$9,000 for Flathead Valley community college.

The general fund appropriation in item 4 is calculated to fund education in the community colleges for an estimated 20,30 resident FTE students in fiscal year 2002 and 20,40 resident FTE students in fiscal year 2003. If total resident FTE student enrollment in the community colleges is greater than the estimated number for the biennium, the community colleges shall serve the additional students without a state general fund contribution. If actual resident FTE student enrollment is less than the estimated number for the biennium, the commissioner of higher education shall revert \$2.79% in general fund money to the state for each estimated FTE student who did not enroll.

Item 4 includes a reduction of \$58,196 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 appropriation for the program.

Item 4 includes a reduction in fiscal year 2003 of \$212,631 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.

Total audit costs are estimated to be \$64,000 for the community colleges for the biennium. The general fund appropriation for each community college provides 53% of the total audit costs in fiscal year 2002. The remaining 47% of these costs must be paid from funds other than those appropriated in item 4a. Audit costs for the biennium may not exceed \$20,000 each for Dawson and Miles community colleges and \$24,000 for Flathead Valley community college.

Item 5 includes a reduction in fiscal year 2003 of \$4,003 in general fund money and represents the equivalent of 0.5% of office supplies expenditure funded with general fund money in fiscal year 2002.

Item 7 includes a reduction of \$779,826 in fiscal year 2002 and \$782,537 in fiscal year 2003 of general fund money. The board of regents may reallocate this reduction in funding among university system units as defined in 17-7-103(13), when developing 2003 biennium operating plans. The office of budget and program planning shall provide a report that details reallocation to the legislative finance committee by October 15 of each fiscal year.

The decision of the legislature to deny funds for initiatives or budget request proposed by the governor and the board of regents for the 2003 biennium does not imply an intent to prohibit the board of regents from implementing those initiatives unless specifically stated otherwise in [this act].

General Fund	State Special Revenue	Fiscal 2002			Total	General Fund	State Special Revenue	Fiscal 2003			Other	Total
		General Fund	Proprietary	Other				General Fund	Proprietary	Other		

The general fund and mills are appropriated in item 7. Fiscal 2002 to fund education in the 4 year units and the colleges of technology for an estimated 25,004 resident FTE students in fiscal 2002 and 25,207 resident FTE students in fiscal 2003. If actual resident student enrollment is greater than the estimated number for the biennium, the university system shall serve the additional students without a state general fund contribution. If actual resident student enrollment is less than the estimated number for the biennium, the commissioner of higher education shall revert \$1,914 in general fund money to the state for each estimated FTE student who did not enroll.

Revenue appropriated to the Montana university system units and colleges of technology includes:

- (1) state special revenue from interest earnings of \$1,513,590 each year of the 2003 biennium;
- (2) tuition revenue of \$110,420,878 in fiscal year 2002 and \$109,775,333 in fiscal year 2003; and
- (3) other revenue of \$1,013,738 each year of the 2003 biennium.

These amounts are appropriated for current unrestricted operating expenses as a biennial lump sum appropriation and are in addition to the funds shown in item 7.

Item 7 includes \$428,660 in each year of the biennium that must be transferred to the energy conservation program account and used to retire the general obligation bonds sold to fund energy improvements through the state energy conservation program. The costs of this transfer in each year of the biennium are: university of Montana-Missoula, \$201,100; Montana Tech of the University of Montana, \$28,000; Montana State University-Northern, \$97,000; Montana State University-Billings, \$91,800; and Western Montana College of the University of Montana, \$10,760.

Item 7 includes a total of \$44,253 of general fund money for the 2003 biennium for the Montana natural resources information system (NRIS). The Montana university system shall pay an additional \$44,253 for the 2003 biennium in current funds in support of NRIS. Quarterly payments must be made upon receipt of the bills from the state library up to the total amount appropriated.

Item 7 includes increases of \$194,088 of general fund money in fiscal year 2002 and of \$194,088 of general fund money in fiscal year 2003 and reduction of \$194,088 of state special revenue in fiscal year 2002 and of \$194,088 of state special revenue in fiscal year 2003 that are contingent upon passage and approval of House Bill No. 124.

Item 7 includes a reduction of \$3.4 million in fiscal year 2003 of general fund money. Although the legislature acknowledges the constitutional power of the board of regents to manage and control the Montana university system, it is the intent of the legislature that state support of the university system be reduced and that replacement funding, if desired, be from nonstate sources.

Item 7 includes a reduction in fiscal year 2003 of \$149,456 in general fund money and represents the equivalent of 2.5% of state-funded office supplies expenditures in fiscal year 2002.

General Fund	State Special Revenue	Fiscal 2002			Total	Other	Fiscal 2003			Total
		General Fund	Proprietary	Special Revenue			General Fund	Proprietary	Special Revenue	

Item 7 includes a reduction of \$1,054,130 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 appropriation for the unit.

Item 7 includes a reduction in fiscal year 2003 of \$4,078,966 in general fund money and represents the reductions ordered by the governor pursuant to 17-1-140.

Total audit costs are estimated to be \$681,092 for the university system other than the office of the commissioner of higher education. Each unit shall pay a percentage of these costs from funds other than those appropriated in item 13.

Item 7b is intended by the legislature to be used to increase state support for resident student FTE at the university unit each year of the 2003 biennium.

University system unit is defined in 17-1-102(13). For all university system units, except the office of the commissioner of higher education, all funds (other than plant funds) appropriated in House Bills No. 5 and 14, relating to long-range building and current unrestricted operating funds) are appropriated contingent on approval of the comprehensive program budget by the board of regents by October 1 of each year. For all university system 4-year units and colleges of technology, all funds other than funds appropriated in House Bills No. 5 and 14 for long-range building programs, are appropriated as a lump sum for the biennium contingent upon approval of the comprehensive program budget by the board of regents by October 1 of each year. The board of regents shall allocate the appropriations to the individual units according to board policy. The budget must contain detailed revenue and expenditure and an updated fund balance of current funds, loan funds, endowment funds, and plant funds. After the board of regents approves operating budgets, transfers between units may be made only with the approval of the board of regents. Transfers and related justifications must be submitted to the office of budget and program planning and to the legislative fiscal analyst.

All university system units, except the office of the commissioner of higher education, shall account for expenditures consistently within programs and funds across all units and shall use the standards of accounting and reporting as described by the national college and university business officers as a minimum for achieving consistency.

The Montana university system, except the office of the commissioner of higher education and the community colleges, shall allow the office of budget and program planning and the legislative fiscal division banner access to the entire university system banner information system, including data warehouses, except:

- (1) the ability to change data;
- (2) portions of the banner information system that are the property of third parties (such as alumni associations or foundations); and
- (3) information pertaining to individual students or individual employees that is protected by Article II, sections 9 and 10, of the Montana constitution, 20-25-515, or the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g.

Subsections (1) through (3) in no way limit the power of the legislative fiscal analyst or the budget director to receive and examine copies of any state government information, including confidential records, in accordance with 5-12-303 and 17-1-132.

General Fund	State Special Revenue	Fiscal 2002			Total	Other	Fiscal 2003			Total
		General Fund	Proprietary	Proprietary Revenue			General Fund	State Special Revenue	Proprietary Revenue	

All financial data recorded in the various funds in banner must agree with the financial data recorded on the statewide accounting budgeting and human resources system (SABHRS). Including:

- (1) all statutory and restricted appropriations must be clearly segregated on SABHRS; and
- (2) the budgeted personal services for current unrestricted operating fund on banner must tie to the operating plan for expenditure of funds appropriated in this act and other bills as approved by the board of regents.

The Montana university system shall provide the electronic data required to upload human resource data for the current unrestricted operating funds into the MBEARS system. The salary and benefit data provided must reflect approved board of regents operating budgets.

Revenue appropriated to the agricultural experiment station includes:

- (1) state special revenue from interest earnings and other revenue of \$134,239 in fiscal year 2002 and \$134,705 in fiscal year 2003;
- (2) federal revenue of \$2,022,369 in fiscal year 2002 and \$2,030,499 in fiscal year 2003; and
- (3) proprietary revenue from sales of \$937,627 in fiscal year 2002 and \$942,135 in fiscal year 2003. These amounts are appropriated for current unrestricted operating expenses and are in addition to the funds shown in item 7c.

Item 7c includes a reduction in fiscal year 2003 of \$17,648 in general fund money and represents the equivalent of 2.5% of state-funded office supplies expenditures in fiscal year 2002.

Item 7c includes a reduction of \$134,482 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 68.67% reduction in the state portion of fiscal year 2002 equipment expenditures.

Item 7c includes a reduction of \$100,668 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 appropriation for the unit.

Item 7c includes a reduction in fiscal year 2003 of \$379,816 in general fund money and represents the reductions ordered by the governor pursuant to 17-1140.

The general fund money in item 7d is appropriated with the condition that, prior to the expenditure of the general fund money, the Montana agricultural experiment station collect \$140,000 of private, nonpublic money each year of the 2003 biennium for the purpose of supporting the institute for bio-based products and food science.

Revenue appropriated to the extension service includes:

Fiscal 2002						Fiscal 2003					
General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total	General Fund	State Special Revenue	Federal Special Revenue	Proprietary	Other	Total
Item 7 includes a reduction of \$16,386 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 appropriation for the bureau.											
Item 7 includes a reduction in fiscal year 2003 of \$5,085 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.											
Interest revenue of \$4,097 each year of the 2003 biennium is appropriated to the fire services training school for current unrestricted operating expenses. This amount is in addition to that shown in item 7i.											
Item 8 includes a reduction in fiscal year 2003 of \$413 in general fund money and represents the equivalent of 2.5% of state-funded office supplies expenditures in fiscal year 2002.											
Item 9 includes a reduction of \$6,073 in fiscal year 2003 of general fund money. This reduction is the equivalent of a 1% reduction in the fiscal year 2003 appropriation for the unit.											
Item 10 includes a reduction in fiscal year 2003 of \$18,632 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.											
Item 11 includes a reduction in fiscal year 2003 of \$3,500 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.											
Item 12 includes a reduction in the 2003 biennium of \$3,500 in general fund money and represents the reductions ordered by the governor pursuant to 17-7-140.											
TOTAL SECTION E											
640-190-500	15,817,377	15,333,663	920,333	0	810,755,645	652,310,748	21,101,367	157,650,909	921,915	0	\$31,564,539
640-176-532					310,712,243	637,370,434	70,569,371				876,977,449
TOTAL STATE FUNDING											
1196-306-300	409,945,793	1,370,342,465	13,458,781	9,330,055	2,981,006,738	1,132,613,364	373,711,800	1,387,382,333	13,408,745	9,330,055	2,307,848,562
1196-307-303		1,267,477,904			2,977,746,390	1,107,504,771	321,433,309	1,393,670,034	13,777,743		2,391,407,344

Section 17. Rates. Internal service fund type fees and charges established by the legislature for the 2003 biennium in compliance with 17-7-123(6)(b) are as follows:

	Fiscal Year <u>2002</u>	Fiscal Year <u>2003</u>
Secretary of State - 3201		
1. Administrative Rules of Montana Fees		
a. Administrative Rules of Montana (per set)	\$350.00	\$350.00
b. Quarterly Updates of ARM (per year)	\$250.00	\$250.00
c. Extra Titles (per book)	\$50.00	\$50.00
d. Quarterly Updates of Extra Titles (per year per title)	\$50.00	\$50.00
e. Montana Administrative Register (per subscription)	\$300.00	\$300.00
f. Agency Filing Fee for Pages of Register Publication (per page)	\$40.00	\$40.00
g. Binders (per binder)	\$5.00	\$5.00
h. Lapsed Subscription Fee ARM (per subscription)	\$50.00	\$50.00
i. Lapsed Subscription Fee Extra Title (per title)	\$10.00	\$10.00
j. Fax Fee - 10 Pages or Less (first 10 pages)	\$3.00	\$3.00
k. Fax Fee - Additional Pages Over 10 Pages (per page)	\$0.25	\$0.25
l. Research Fee (per hour)	\$12.00	\$12.00
m. Set Cleanup Fee (per hour)	\$12.00	\$12.00
n. Missing Page Fee (per page up to cost of set)	\$0.50	\$0.50
o. Rule Edit Fee (per hour)	\$15.00	\$15.00
p. Late Filing Fee (less than 2 hours) (per occurrence)	\$5.00	\$5.00
q. Late Filing Fee (2 hours to 4 hours) (per occurrence)	\$10.00	\$10.00
r. Late Filing Fee (more than 4 hours) (per occurrence)	\$25.00	\$25.00
2. Records Management Fees (based on 2-6-203)		
a. 16MM Microfilm		
Less than 250,000	\$38.58	\$38.58
Nontypical extreme weight and size	\$38.58	\$38.58
8" x 11"; 8" x 14" paper work	\$30.00	\$30.00
8" x 11"; 8" x 14" computer print out	\$30.00	\$30.00
Extreme size and weight variance	\$31.50	\$31.50
Cards - fixed weight and color	\$15.75	\$15.75
Cards - mixed weight and color	\$26.25	\$26.25
b. 35MM Microfilm		
L (per 12" x 12") aerial photos	\$68.25	\$68.25
16" x 20" bound books	\$63.00	\$63.00
24" x 34" newspapers	\$115.50	\$115.50
24" x 34" bound newspapers	\$136.50	\$136.50
48" x 48" blue prints/maps	\$288.75	\$288.75
c. 105MM Microfilm		
8" x 11" paper work	\$68.25	\$68.25
8" x 11"; 8" x 14" computer print out	\$77.17	\$77.17

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	Cards (per 1,000)	\$77.17	\$77.17
	Minimum filing charge	\$37.50	\$37.50
d.	Film Processing		
	16mm, 100 foot roll	\$3.62	\$3.62
	16mm, 215 foot roll	\$7.10	\$7.10
	35mm, 100 foot roll	\$6.35	\$6.35
	16mm, 3M cartridges	\$4.73	\$4.73
e.	Film Inspecting		
	100 foot roll inspection (per roll)	\$3.65	\$3.65
	215 foot roll inspection (per roll)	\$5.23	\$5.23
	Film splicing	\$0.79	\$0.79
	3M cartridge loading	\$2.25	\$2.25
f.	Duplication		
	16mm, 100 foot roll (per roll)	\$6.81	\$6.81
	16mm, 215 foot roll (per roll)	\$13.03	\$13.03
	35mm, 100 foot roll (per roll)	\$9.21	\$9.21
	105mm, microfiche or jackets	\$0.16	\$0.16
	Reader/printer copies	\$0.50	\$0.50
	Photocopies/own labor	\$0.10	\$0.10
	Photocopies/our labor	\$0.50	\$0.50
	16mm, 100 foot roll (per roll)	\$9.92	\$9.92
	35mm, 100 foot roll (per roll)	\$14.54	\$14.54
g.	Jacket Loading		
	16mm, 5 channel jacket	\$0.3150	\$0.3150
	Agency's own jacket	\$0.2887	\$0.2887
	35mm, 1 and 2 channel jacket	\$0.3150	\$0.3150
	Loading 16mm aperture card	\$0.2625	\$0.2625
	Jacket title	\$0.2625	\$0.2625
	Jacket notching	\$0.0525	\$0.0525
h.	Miscellaneous		
	Fiche title (per title)	\$0.2625	\$0.2625
	Indexing and document prep/hour (per hour)	\$18.00	\$18.00
	Camera rental (per day)	\$95.00	\$95.00
i.	Supplies		
	NMI reader bulbs (per bulb)	\$10.75	\$10.75
	16mm, 100 foot roll film (per roll)	\$6.68	\$6.68
	16mm, 215 foot roll film (per roll)	\$12.95	\$12.95
	35mm, 100 foot roll film (per roll)	\$13.95	\$13.95
j.	Records Center Services		
	Storage (per square foot per month)	\$0.2565	\$0.2565
	Storage (per cubic foot per month)	\$0.295	\$0.295
	Retrievals (per occurrence)	\$1.50	\$1.50
	Emergency retrievals (per occurrence)	\$6.25	\$6.25

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	Large retrievals, delivery, interfiling (per occurrence)	\$22.50 \$22.50
	Records disposal (per hour)	\$22.50 \$22.50
	Shredding confidential records (per hour)	\$23.05 \$23.05
k.	Records Center Boxes	
	Records storage boxes: standard size A (per box)	\$1.34 \$1.34
	Drawing and map storage boxes: size C (per box)	\$1.34 \$1.34
l.	Imaging Services	
	Imaging (per image)	\$0.055 \$0.055
	Indexing and document preparation (per hour)	\$18.00 \$18.00
Department of Transportation - 5401		
1.	State Motor Pool	
a.	Class 02 (small utilities)	
	per hour as signed	\$1.597 \$1.600
	per mile operated	\$0.022 \$0.022
b.	Class 04 (large utilities)	
	per hour as signed	\$2.116 \$2.335
	per mile operated	\$0.056 \$0.056
c.	Class 06 (passenger cars)	
	per hour as signed	\$1.501 \$1.643
	per mile operated	\$0.054 \$0.054
d.	Class 07 (small and standard size pickups)	
	per hour as signed	\$1.270 \$1.260
	per mile operated	\$0.030 \$0.030
e.	Class 11 (large 4X4 pickups)	
	per hour as signed	\$1.832 \$2.334
	per mile operated	\$0.056 \$0.056
f.	Class 12 (vans)	
	per hour as signed	\$1.449 \$1.632
	per mile operated	\$0.071 \$0.071
2.	Equipment Program	
a.	60-Day Working Capital	
Department of Revenue - 5801		
1.	Customer Service Center	
a.	Delinquent Account Collection Fee (per cent of amount collected)	10.0% 10.0%
Department of Administration - 6101		
1.	Accounting and Management Support	
a.	Legal Services Unit	Share (percent) of Total Revenue Each Program or Division Will Pay
	Teachers' Retirement	20% 20%
	Employee Benefits Program	26% 26%
	Risk Management and Tort Defense	2% 2%
	General Services Division	7% 7%
	Architecture and Engineering	18% 18%

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	Information Services Division	27% 27%
	Total	100% 100%
b.	Network Support Unit	
	Programming cost	60-day working capital reserve
	Computer support (per computer)	\$714 \$732
	Server support (per server)	\$1,072 \$1,098
c.	Warrant Writing (per warrant)	
	Mailer warrants	\$0.6170 \$0.6145
	Nonmailers	\$0.2080 \$0.2055
	Emergency warrant	\$4.1329 \$4.1320
	Duplicate warrant	\$5.6632 \$5.6624
	Direct deposits	\$0.1671 \$0.1660
	Externals - printed from an outside system	\$0.1850 \$0.1825
d.	Personnel Unit	
	Allocation to supported divisions (per FTE basis)	\$88,262 \$92,691
e.	SB 445 Indirect Costs - The department is authorized to spend up to \$294,208 in fiscal year 2002 and \$296,509 in fiscal year 2003 (proprietary funds) to implement the reorganization specified in Senate Bill No. 445.	
2.	Procurement and Printing	
a.	Publications and Graphics	60-day working capital reserve
b.	Central Stores	60-day working capital reserve
c.	Natural Gas Procurement	break-even (no reserve)
d.	Statewide Fueling Network (percent of gross purchases)	5.0% 5.0%
e.	Statewide Procurement Card Program (per card)	\$1.00 \$1.00
3.	Information Services Division	
a.	Data Network Fee (per connected terminal per month)	\$72.60 \$72.60
b.	Statewide Accounting, Budgeting, and Human Resources System (SABHRS) Allocation to Agencies	\$4,168,460 \$4,211,734
c.	All Remaining Operations of the Division	45-day working capital reserve
4.	General Services Division	
a.	Office Space Rent (per square foot)	\$4.77 \$4.88
b.	Warehouse Space Rent (per square foot)	\$2.12 \$2.12
5.	Mail and Distribution Bureau	
a.	Interagency Mail (total amount allocated to agencies)	\$171,655 \$171,655
b.	All Other Operations Except for Interagency Mail	60-day working capital reserve
6.	State Personnel Division	
a.	Intergovernmental Training (per hour)	\$113 \$113
b.	State Payroll Unit (total amount allocated to agencies)	\$356,958 \$366,248
c.	Employee Benefits Program - Because state employee benefit plans require a large number of individual premiums for a variety of benefit options, because the portion of the premiums paid by the state is statutorily established in 2-18-703, and because the employee-paid portion of these premiums must be adjusted from time to time to meet the	

requirements of 2-18-812(1) to maintain state employee group benefit plans on an actuarially sound basis, the legislature de fines "rates and fees" for state employee benefit programs to mean the state contribution toward employee group benefits provided for in 2-18-703 and the employee contribution toward employee group benefits necessary to meet the requirements of 2-18-812(1).

7. Risk Management and Tort Defense

a. General Liability (total allocation to agencies)	\$5,362,500	\$5,775,000
b. Automobile Liability (total allocation to agencies)	\$1,137,500	\$1,225,000
c. Property (total allocation to agencies)	\$1,200,500	\$1,270,930
d. Airport/Aircraft (total allocation to agencies)	\$116,567	\$128,222
e. All Other Lines (total allocation to agencies)	\$239,413	\$258,508

Fish, Wildlife & Parks - 5201

1. Administration and Finance (% markup)

a. Warehouse Overhead	14%	14%
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2. Vehicle Account Rates Per Mile

a. Sedans	\$0.20	\$0.24
b. Suburban-4x4	\$0.33	\$0.35
c. Vans 1/2 Ton	\$0.18	\$0.21
d. Vans 1/2 Ton Window	\$0.27	\$0.32
e. Pickup 1/2 Ton 2x4	\$0.33	\$0.34
f. Pickup 3/4 Ton 4x4 V8	\$0.20	\$0.22
g. Grounds Maintenance	\$0.75	\$0.85
h. Bronco 4x4	\$0.24	\$0.28
i. Pickup 1/2 Ton 4x4	\$0.27	\$0.34
j. Pickup 3/4 Ton 4x4 HD	\$0.30	\$0.35
k. Pickup 3/4 Ton 4x4 HD XC	\$0.35	\$0.38
l. Pickup 1 Ton 4x4	\$0.33	\$0.37
m. Pickup 3/4 Ton 4x4 MD	\$0.24	\$0.27
n. Pickup 3/4 Ton 4x4 MD XC	\$0.29	\$0.33
o. Pickup 1/2 Ton 4x4 LD XC	\$0.29	\$0.33

3. Aircraft Per Hour Rates

a. Two-Place Single Engine	\$ 54.02	\$ 56.72
b. Partnavia	\$257.24	\$270.10
c. Turbine Helicopters	\$313.58	\$329.26

4. Parks - Capitol Grounds Maintenance \$0.3696/sq. ft. \$0.3696/sq. ft.

5. Duplicating - Number of Copies (includes paper)

a. 1-20	\$0.045	\$0.050
b. 21-100	\$0.030	\$0.035
c. 101-1000	\$0.025	\$0.030
d. 1001-5000	\$0.020	\$0.025

6. Bindery

a. Collating (per sheet)	\$0.005	\$0.005
b. Hand Stapling (per set)	\$0.015	\$0.015
c. Saddle Stitch (per set)	\$0.030	\$0.030

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d.	Folding(per sheet)	\$0.005 \$0.005
e.	Punching(per sheet)	\$0.001 \$0.001
f.	Cutting(per minute)	\$0.550 \$0.550
Department of Environmental Quality - 5301		
1.	Central Management	
a.	Expenses Against Personal Services	24% 24%
Department of Natural Resources and Conservation - 5706		
1.	Air Operations Program	
a.	Fixed Wing	\$95 \$95
b.	Bell 206A Helicopter	\$355 \$355
c.	UH-1 Huey Helicopter	\$875 \$875
Department of Commerce - 6501		
1.	Local Government Services Bureau	
a.	Local Government Assistance Administration Recharge	1.70% 1.70%
2.	Board of Investments	
For purposes of [this act], the legislature defines "rates" as the total collections necessary to operate the board of investments as follows:		
a.	Administration Charge (total)	\$2,860,200 \$2,805,200
3.	Director's Office/Management Services	
a.	Management Services Indirect Charge Rate	15.50% 15.50%
Department of Justice - 4110		
1.	Agency Legal Services	
a.	Attorney(per hour)	\$70 \$70
b.	Investigator/Paralegal(per hour)	\$38 \$38
Department of Corrections - 6401		
1.	Secure Facilities	
a.	Cook/chill rate to MSP	\$1.80/meal \$1.78/meal
b.	Cook/chill rate to MSH	\$1.83/meal \$1.82/meal
c.	Cook/chill rate to TSCTC	\$1.83/meal \$1.81/meal
d.	Cook/chill rate to River side	\$2.79/meal \$2.86/meal
e.	Cook/chill rate to DUI facility	\$1.86/meal \$1.84/meal
f.	Cook/chill rate to Helena pre release	\$2.43/meal \$2.47/meal
2.	Montana Corrections Enterprises	
a.	Laundry rate to MSP	\$0.39/lb \$0.39/lb
b.	Laundry rate to MSH	\$0.38/lb \$0.38/lb
c.	Laundry rate to MDC	\$0.46/lb \$0.46/lb
Department of Labor and Industry - 6602		
1.	Centralized Services Division	
a.	Cost Allocation Plan	9.44% 10.14%
2.	Professional and Occupational Licensing	
a.	House Bill No. 2 Programs Recharge Rate	38% 38%
Office of Public Instruction - 3501		
1.	OPI Indirect Cost Pool	17% 17%

2. Advanced Driver Education

a. Workshop Fees

Full-day workshop/person \$175.00 - \$200.00

Half-day refresher/person \$115.00 - \$125.00

b. Facility Usage Fees

Montana state government/day \$85.00

High school driver education

Per year when track not in use \$500.00

Per day after hours and not in use \$25.00

Private nonprofit/day \$200.00

Commercial use/day \$1,500.00 - \$2,000.00

MONTANA UNIVERSITY SYSTEM - 5100

Because certain employee benefit plans require a large number of individual premiums for a variety of benefit options, because the portion of these premiums paid by the state is statutorily established in 2-18-703, and because the employee-paid portion of these premiums must be adjusted from time to time to maintain employee group benefit plans on an actuarially sound basis, the legislature defines rates and fees for Montana university system employee benefit programs to mean the state contribution toward employee group benefits provided for in 2-18-703 and the employee contribution toward employee group benefits necessary to maintain the employee group benefit plans on an actuarially sound basis."

Section 2. Effective date. *[This act] is effective on passage and approval."*

Section 2. Effective date — retroactive applicability. [This act] is effective on passage and approval and applies retroactively, within the meaning of 1-2-109, to August 26, 2002.

Approved September 13, 2002

SESSION LAW TO CODE

Ch.	Sec.	MCA
1	1	Ch. 23, Sp. L. August 2002
	2	Effective date—retroactive applicability

SESSION LAWS AFFECTED

Laws Affected	Action	Chapter	Bill Number
Special Laws of August 2002			
Ch. 23	amended.....	Ch. 1	HB 1